



REPUBLIC OF CYPRUS

Cap. 224
3 of 1960
78 of 1965
10 of 1966
75 of 1968
51 of 1971
2 of 1978
16 of 1980.

THE IMMOVABLE PROPERTY (TENURE, REGISTRATION AND VALUATION) LAW

(incorporating amendments made by Laws enacted
up to the 30th June, 1981)

Revision and Consolidation
of the Cyprus Legislation.

Nicosia,
30th June, 1981.

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NOTE

This is a reproduction of the Immovable Property (Tenure, Registration and Valuation) Law, Cap. 224, incorporating amendments made by Laws enacted up to the 30th June, 1981, *i.e.* Laws 3 of 1960, 78 of 1965, 10 of 1966, 75 of 1968, 51 of 1971, 2 of 1978 and 16 of 1980.

It is not a consolidation in the true sense of the word in that no renumbering of sections has been made. Such textual revisions as have been made refer mainly to terms relating to organs of the Republic.

Revision and Consolidation
of the Cyprus Legislation.

Nicosia,
30th June, 1981.

CHAPTER 224

IMMOVABLE PROPERTY
(TENURE, REGISTRATION AND VALUATION)

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A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO TENURE, REGISTRATION AND VALUATION OF IMMOVABLE PROPERTY.

Cap. 224
3 of 1960
78 of 1965
10 of 1966
75 of 1968
51 of 1971
2 of 1978
16 of 1980.

[1st September, 1946.]

1. This Law may be cited as the Immovable Property (Tenure, Registration and Valuation) Law. Short title.

PART I.

PRELIMINARY.

2. In this Law—

Inter-pretation.

“adverse possession,” with its grammatical variations and cognate expressions, means a possession by a person not entitled thereto where the express or implied consent or permission of the person so entitled has not been given or obtained for such possession ;

“the Court,” in connection with any matter relating to immovable property, means the District Court of the district in which such property is situate ;

“dealing,” with its grammatical variations and cognate expressions, in relation to immovable property, means the voluntary transfer or mortgage of immovable property and any other voluntary charge or transaction affecting immovable property required by any Law in force for the time being to be carried out in a District Lands Office ;

“Director” means the Director of Lands and Surveys and includes any officer appointed by the Director for all or any purposes of this Law either generally or for any particular purpose ;

“immovable property” includes—

- (a) land ;
- (b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure ;
- (c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance ;
- (d) springs, wells, water and water rights whether held together with, or independently of, any land ;
- (e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure ;
- (f) an undivided share in any property hereinbefore set out ;

“District Lands Office” means the office of the Department of Lands and Surveys for the district and includes any sub-office in the district ;

Provided that only such transactions shall be carried out in a sub-office as may be authorized from time to time by the Director ;

“owner” means the person entitled to be registered as the owner of any immovable property whether he is so registered or not ;

“public road” means any street, square, pathway, open place or space over which the public has a right of way and includes any land set apart by, or with the consent of, the appropriate authority as a public road ;

“registered,” with its grammatical variations and cognate expressions, means recorded in the Land Register kept under the provisions of this Law ;

“registration fee” means the fee payable in respect of the registration of title to immovable property under any Law in force for the time being ;

“religious corporation” includes any religious establishment or religious institution belonging to any denomination and any throne, church, chapel, monastery, mosque, tekye, shrine or synagogue ;

2 of 8/53.

“value”, in connection with immovable property, means the amount which the immovable property, if sold in the open market by a willing seller to a willing purchaser, might be expected to realize.

Categories of immovable property under Ottoman Laws, abolished.

3. (1) The categories of immovable property hitherto known under the Ottoman Land Code as “Mulk,” “Arazi Memlouké,” “Arazi Mirié,” “Arazi Metrouké” or “Arazi Mevat” shall be abolished and thereafter all immovable property whatsoever shall be owned, held and enjoyed subject to and in accordance with the provisions of this Law or any other Law in force for the time being.

(2) All immovable property hitherto known as “Mulk” or “Arazi Memlouké” and privately owned as such at the date of the coming into operation of this Law shall continue to be owned, held and enjoyed as private property.

(3) All immovable property known as “Arazi Mirié” and privately possessed as such at the date of the coming into operation of this Law shall be owned, held and enjoyed as private property.

(4) All immovable property which at the date of the coming into operation of this Law is held, administered and enjoyed as Vakf property in accordance with the provisions of the Cyprus Evcaf (Mohammedan Religious Property Administration) Order and Law, 1928 and 1934, shall continue to be so held, administered and enjoyed as if this Law had not been passed subject only to the provisions of sections 36, 37 and 38 of this Law.

(5) All immovable property hitherto known as “Arazi Metrouké” lawfully held or enjoyed communally by a town, village or quarter at the date of the coming into operation of this Law shall continue to be held or enjoyed as the communal property of such town, village or quarter.

(6) All immovable property hitherto known as “Arazi Mevat” and all immovable property other than that specified in subsections (2) to (5) of this section and all vacant or unoccupied immovable property not privately owned or lawfully possessed at the date of the coming into operation of this Law shall be owned, held and enjoyed by the Republic as property of the Republic.

*4. (1) Notwithstanding anything contained in paragraph (c) of subsection (1) of section 29 of the Courts of Justice Law or in any Law amending or replacing the same, and subject to the provisions of this section, the law relating to trusts, the law relating to vakfs and the provisions of any other Law in force for the time being, no estate, interest, right, privilege, liberty, easement or any other advantage whatsoever in, on or over any immovable property shall subsist or shall be created, acquired or transferred except under the provisions of this Law.

(2) The preceding subsection shall not apply to any estate, interest, right, privilege, liberty, easement or any other advantage whatsoever in, on or over any immovable property created, acquired or transferred by an instrument in writing and for valuable consideration and subsisting on the fourth day of March, 1953 :

Provided that—

either

(a) such estate, interest, right, privilege, liberty, easement or other advantage is registered or recorded, or is capable of being registered or recorded, under some other provision of this Law ;

or

(b)—(i) the instrument aforesaid is deposited in the District Lands Office ; and

(ii) the immovable property aforesaid has not been transferred upon sale to a *bona fide* purchaser for valuable consideration subsequent to the third day of March, 1953, and prior to the depositing of the instrument as hereinbefore provided in sub-paragraph (i) otherwise than to a purchaser who has since such transfer accepted valuable consideration from the owner of such estate, interest, right, privilege, liberty, easement or other advantage, as provided in the aforesaid instrument.

(3) Upon the depositing of an instrument as provided in paragraph (b) (i) of the proviso to subsection (2) of this section, the same shall, if the aforesaid immovable property is registered, be recorded in the books of the District Lands Office and, where possible, in the certificate of registration relating to such immovable property, without investigation as to the estate, interest, right, privilege, liberty, easement or advantage subsisting, created, acquired or transferred thereby.

PART II TENURE

Provisions relating to Immovable Property other than Vakf Property

5. (1) Private ownership of any land shall, subject to the provisions of this Law or any other Law in force for the time being, extend to the surface and to the substance of the earth beneath the surface and to the space above the surface, reasonably necessary for the enjoyment thereof, but shall not extend to minerals :

Extent of private ownership of land.

Provided that the private ownership of any land being land which lies within the areas specified, for the purposes of this section, on the survey

*Note : Section 4 came into operation on 4.3.1953 by virtue of section 3 of Law 3 of 1960. The rights of parties to pending legal proceedings have been reserved by section 4 of Law 3 of 1960.

map signed by the Director and deposited in the District Lands Office before the coming into operation of this Law, shall extend to the substance of the earth beneath the surface without any restriction as aforesaid.

(2) For the purposes of this section—

“minerals” includes all materials of economic value forming part of, or derived naturally from, the crust of the earth including mineral oil, pitch, asphalt and natural gas but not minerals whilst in solution or peat, trees, timber and similar kinds of forest produce.

(3) Nothing contained in this section or in any survey map deposited in the District Lands Office under the proviso to subsection (1) of this section shall diminish or enlarge any rights, conferred under a mining lease granted by or on behalf of the Government under any Law relating to mines in force for the time being and subsisting at the date of the coming into operation of this Law ; but such rights shall continue to be enjoyed, during the continuance of such lease, to the same extent as if this Law had not been enacted.

Ownership
of storeys of
a building.
2(a) of
16/80.

6. (1) When a building consists of more than one storey, each storey or part of a storey which can properly and conveniently be held and enjoyed as a separate and self-contained tenement, may be owned, held and enjoyed separately as private property.

2(b) of
16/80.

2(b) of
16/80.

(2) The site on which the building is standing, the foundations thereof, the main walls supporting the whole building, its roof, the main staircase leading to the various storeys, the elevator, if any, the main corridors thereof and any other part of the ground or building which is of common use to the owners of the various storeys, or parts thereof and any part of the ground or building which may be prescribed or is specified as so being of common use to the owners in the permit for the partition of the building issued by the appropriate authority under the provisions of the Streets and Buildings Regulation Law or the Regulations made thereunder shall be owned, held and enjoyed by all of them in undivided shares.

Cap. 196
14 of 1959
67 of 1963
6 of 1964
65 of 1964
12 of 1969
38 of 1969
13 of 1974
28 of 1974
24 of 1978
25 of 1979.

2(c) of 16/80

2(c) of 16/80

2(c) of 16/80

2(c) of 16/80

(3) The owner of each storey or part of a storey may make any alterations, additions or repairs to his storey or part of a storey provided that they do not prejudice the rights of the owner of any other storey or part of a storey and they do not unduly interfere with the enjoyment thereof by the owner of such other storey or part of a storey.

2(d) of
16/80.

(4) Subject to any agreement between themselves, the owners of the several storeys or part of a storey shall maintain, repair, or restore any part owned, held and enjoyed by them in undivided shares as in subsection (2) of this section provided and the cost thereof shall be borne by every such owner in proportion to the value of his storey as registered or recorded immediately before the need for incurring such cost had arisen :

Provided that, if any owner fails or neglects to comply with the requirements of this subsection, any other owner may do all such acts and incur such expenses as may be reasonably necessary for the purpose and may

recover the amount for which the owner in default may be liable, by civil action.

(5) The provisions of this section shall apply, *mutatis mutandis*, to the use of a group of buildings standing on a plot, even though the whole or part thereof is not partitioned horizontally, under such terms and conditions as may be prescribed by the appropriate authority. 2(e) of 16/80.

6(a) The Council of Ministers may make Regulations for prescribing any matter which, according to the provisions of this section, may or ought to be prescribed by Regulations and for the better carrying out of the purposes of this section. 2(e) of 16/80.

(b) Regulations made under this section shall be laid before the House of Representatives. If within thirty days from such laying, the House of Representatives does not by a resolution thereof amend or annul, in whole or in part, the Regulations so laid, they shall then soon after the expiry of the period hereinbefore mentioned, be published in the official *Gazette* of the Republic and shall come into force as from such publication. In the event of their amendment, in whole or in part, by the House of Representatives, they shall be published in the official *Gazette* of the Republic as so amended thereby and they shall come into force as from such publication.

7. All lakes, rivers, streams and natural watercourses which are not privately owned at the date of the coming into operation of this Law and the basins, beds, or channels thereof, and any land from which the sea or the water of any such lake, river, stream or watercourse has receded, with the exception of any such land as is privately owned at the date aforesaid, shall be vested in the Republic : Lakes, etc., not privately owned to be vested in the Republic.

Provided that nothing in this section contained shall be construed as affecting any rights over any lake, river, stream or natural watercourse which—

- (a) have been exercised without interruption for the full period of thirty years before the date aforesaid ; or
- (b) have been conferred by a Firman or other valid document of title made before the 4th June, 1878, which has been acted upon from the time when it was made ; or
- (c) are exercised under the provisions of any Law in force for the time being.

8. All public roads and such part of the foreshore as is not privately owned at the date of the coming into operation of this Law shall be vested in the Republic for the use of the public. Public roads and foreshore.

9. No title to immovable property shall be acquired by any person by adverse possession as against the Republic or a registered owner. No title by adverse possession as against the Republic or registered owner.

10. Subject to the provisions of section 9 of this Law, proof of undisputed and uninterrupted adverse possession by a person, or by those under whom he claims, of immovable property for the full period of thirty years, shall entitle such person to be deemed to be the owner of such property and to have the same registered in his name : Title by adverse possession in certain cases.

Provided that nothing in this section contained shall affect the period of prescription with regard to any immovable property which began to be

adversely possessed before the commencement of this Law, and all matters relating to prescription during such period shall continue to be governed by the provisions of the enactments repealed by this Law* relating to prescription, as if this Law had not been passed :

Provided further that notwithstanding the existence of any disability operating under such enactments to extend the period of prescription, such period shall not in any case exceed thirty years in all, even where any such disability may continue to subsist at the expiration of thirty years.

Rights of way, etc., over immovable property of another.

11. (1) No right of way or any privilege, liberty, easement, or any other right or advantage whatsoever shall be acquired over the immovable property of another except—

- (a) under a grant from the owner thereof duly recorded in the books of the District Lands Office ; or
- (b) where the same has been exercised by any person or by those under whom he claims for the full period of thirty years without interruption :

Provided that the provisions of this paragraph shall not apply to any immovable property which is property of the Republic or property vested on the Republic ; or

- (c) where the same has been recognized by a judgment of a competent Court ; or
- (d) where the same has been conferred by a Firman or other valid document made before the 4th June, 1878, which has been acted upon from the time when it was made ; or
- (e) where the same has been acquired under the provisions of section 11A ; or
- (f) where the same has been created and acquired under the provisions of the Compulsory Acquisition of Property Law, 1962, or any Law amending or substituted for the same, or
- (g) where the same has been reserved in writing by the owner of any immovable property upon the transfer thereof :

Provided that the aforesaid paragraph shall apply where a provision is included in connection with the use or development of any immovable property or with a restriction as to the use or development thereof.

(2) No person shall exercise any right of way or any privilege, liberty, easement or any other right or advantage whatsoever over the immovable property of another except where the same—

- (a) has been acquired as in subsection (1) provided ; or
- (b) is exercised under the provisions of any Law in force for the time being ; or
- (c) is exercised under a licence in writing from the owner thereof.

* See page 44.

11A. (1) Notwithstanding the provisions of this Law, if any immovable property is, for any reason, in such a way enclaved as to be lacking the necessary access to a public road, or if the existing access is inadequate for its proper use, development or utilization, the owner of such immovable property shall be entitled to claim an access over the adjacent immovable properties on payment of a reasonable compensation.

Obligation to provide access.
3 of 10/66.

For the purposes of this subsection "access" includes the right of conducting water or night soil or any other liquid through channels or pipes or any other suitable means.

4(a) of 16/80.

(2) The route of the access and the extent of the right to the use thereof, as well as the compensation payable shall be determined by the Director after previous notice to all interested parties, and if after such notice any of the interested parties fails to attend the local enquiry specified in the notice, the Director may proceed to take any action required in his absence.

4(b) of 16/80.

(3) There shall be no obligation of the neighbours to provide an access if the communication of the immovable property to the public road has ceased through a voluntary act or omission of the owner thereof.

(4) If, as a result of the alienation of a part of the immovable property, the communication of the part alienated or of the remainder to the public road has been cut off, the owner of the part through which the communication had heretofore been made shall be obliged to provide an access. The alienation of one or more immovable properties belonging to the same owner shall be assimilated to the alienation of a part.

(5) An access granted under this section shall be deemed to be a right, easement or advantage acquired under the provisions of section 11 of this Law, and the provisions of this Law shall apply to any such access.

4(c) of 16/80.

(6) The Council of Ministers may make regulations regulating any matter requiring to be regulated for the better application of this section and, in particular, the procedure to be followed for the purposes thereof :

4(c) of 16/80.

Provided that regulations made under this subsection shall be laid before the House of Representatives which shall within fifteen days of such laying decide thereon. In the event of approval or amendment the regulations so laid, they shall come into operation as approved by the House of Representatives.

(7) The provisions of this section shall not apply to state land of any nature, without a specific decision of the Council of Ministers in this respect and on such terms and conditions as may be provided in the decision.

2 of 75/68.
4(c) of 16/80.

12. (1) Where any right, privilege, liberty, easement or other advantage has been acquired as in subsection (1) of section 11 of this Law in respect of any immovable property, the same shall be deemed to be attached to such property and to be included in any dealing made with such property.

Rights, etc., acquired or exercised in respect of immovable property.

(2) Where any such right, privilege, liberty, easement or other advantage has been abandoned by notice in writing to the District Lands Office or has not been exercised for the full period of thirty years without interruption, the same shall be deemed to have lapsed.

*Note : Law 10 of 1966 came into operation on 1.4.1967 by a notification of the Council of Ministers published in Supplement III to the official *Gazette* of the Republic No. 566 of the 30.3.1967.

5 of 16/80.

(3) Where such right is a right of a way, if by reason of laying out a public road or other passage or from any other reason there is no more need for its existence, the owner of the servient or dominant tenement shall be entitled to demand its abolition and the Director shall investigate the case, decide whether this right ought to be abolished or not, notify his decision to all interested persons and, if his decision is that the right ought to be abolished, proceed to its abolition after the expiry of thirty days from the date of the said notice :

Provided that if any claim is submitted for the payment by the owner of the servient tenement of any compensation for the abolition of the said right the Director shall, taking into consideration the facts of each case, including the time of use of the said right, determine the compensation to be paid, if any, and notify the same to all interested persons and he shall not proceed to the abolition of the right until he is satisfied that the compensation assessed by him has been paid.

Compu-
tation
of period
of thirty
years.

13. The period of thirty years prescribed in sections 10, 11 and 12 shall be deemed and taken to be the period next before the date on which a claim under the said sections may be made.

Fixing
or variation
of position
of a right
of way, etc.
6 of 16/80.

14. (1) The Director may, on the application of the owner of the dominant tenement or the owner of the servient tenement, after thirty days' notice to all interested persons, fix or vary the position or direction of any relevant right of way, channel, watercourse, ditch, pipe, wire or any other similar to the above mentioned so that, however, no one of those two tenements is more adversely affected thereby than before.

(2) The Director may proceed to the fixing or variation provided under subsection (1), even though the owner of any one of the two tenements affected to whom the notice provided under the said subsection has been given, fails to attend on the day and time specified in such notice.

Water-
courses and
irrigation
channels.

15. (1) Where any plots of land belonging to different owners are irrigated by a watercourse or channel, any owner may apply to the Director for the variation of the position or direction of such watercourse or channel in his plot and the Director may, after giving thirty days' notice to any owner whose land will be affected by such variation, vary the position or direction of the same, but only so that the interests of any such owner, other than the applicant, are not substantially affected or prejudiced thereby. If after such notice, the person to whom the notice has been given fails to appear, the Director may proceed to act in his absence.

7(a) of
16/80.

(2) Where more persons than one are entitled to water flowing through a watercourse or channel, with a view to preventing any waste of water—

7(b) of
16/80.

(a) all such persons shall clean and keep in proper repair and condition such watercourse or channel, and each one of them shall be liable for the expense involved in proportion to his share in the water ; and

7(c) of
16/80.

(b) every such person shall close his main opening of the watercourse or channel as soon as his land has been irrigated or the time during which he is entitled to use the water has expired.

(3) If any person fails or neglects to comply with the provisions of subsection (2) of this section any other person or persons interested in the matter may take all such steps as may be reasonably necessary for the prevention of waste and may recover the amount for which the person in default may be liable, by civil action.

(4) The provisions of this section shall not apply to irrigation divisions formed under the Irrigation Divisions (Villages) Law.

Cap. 342
130 of 1968
5 of 1978.

15A. Where more persons than one are entitled to water drawn from a well, all such persons shall clean, keep in proper repair and condition such well and each one of those persons shall be liable for the expenses involved in proportion to his share.

Wells.
8 of 16/80.

For the purposes of this section the word " well " shall bear the meaning assigned thereto by section 2 of the Wells Law.

Cap. 351
47 of 1961
19 of 1962.

16. Wherever any person acquires or possesses any right of irrigation, such right shall extend to a right in or over any artificial or other channel, watercourse, aqueduct, well or chain of wells formed for the distribution of the water to which such right relates ; and a space of not more than five feet from either edge of such channel, watercourse, aqueduct, well or chain of wells as may be required for the cleaning, repairing or protection thereof shall be deemed to form part thereof, and such space shall not be interfered with, cultivated or planted by the owner of the land on either side of the channel, watercourse, aqueduct, well or chain of wells.

Extent of
right of
irrigation.

17. (1) No person shall plant any tree, shrub or reed on any immovable property adjacent to a public road at a distance less than five feet away from the boundary of such property along the public road without first obtaining a licence from such person as may be appointed by the Council of Ministers in that behalf (hereinafter in this section called " the authority ").

Plantations
along
public
roads.

(2) The Government may plant any tree, shrub or reed on any immovable property adjacent to a public road within five feet of the boundary of such property along the public road notwithstanding that such property belongs to another person ; and any tree, shrub or reed so planted shall be the property of the Republic.

All trees, shrubs or reeds so planted before the commencement of this Law by or under the authority of the Government shall be deemed to have been lawfully planted under the provisions of this Law and shall be the property of the Republic.

(3) When the land upon which a tree, shrub or reed has been planted under the provisions of subsection (2) of this section is subsequently required for building of irrigation purposes and such tree, shrub or reed interferes with the reasonable use of the land for such purpose, the authority shall, at the request of the owner of the land, remove the same at the expense of the Government.

(4) Any tree, shrub or reed planted after the commencement of this Law in contravention of subsection (1) of this section may be removed by the authority at the expense of the person acting in contravention thereof.

(5) Where the authority is satisfied that any tree, shrub or reed planted within the limits prescribed in subsection (1) of this section before the commencement of this Law causes any damage or undue interference with the reasonable use of any public road or the safety of travelling along any such road, he may, upon giving thirty days' notice to the owner thereof, remove the same at the expense of the Government.

Power to Council of Ministers to exchange property of the Republic, etc.

18. The Council of Ministers may grant, lease, exchange or otherwise alienate any property of the Republic or immovable property vested in the Republic by virtue of the provisions of this Law, other than a public road or the foreshore, for any purpose and on such terms and conditions as it may deem fit :

Provided that the Council of Ministers may exchange or alienate any part of any public road if satisfied that other adequate public road has been provided in the place thereof or that such exchange or alienation will improve such public road :

Provided also that the Council of Ministers may lease any part of the foreshore for the purposes of harbours, jetties, piers, wharves, fisheries and any other purpose of public utility subject to such conditions as it may think fit.

Provisions as to communal property. 5 of 8/53.

19. Where by law or custom any immovable property (in this section referred to as "the communal property") is held or enjoyed communally by any town, village or quarter, the following provisions shall have effect, that is to say—

- (a) the inhabitants of such town, village or quarter shall have in common, to the exclusion of all persons not being inhabitants thereof, the right of holding or enjoying the communal property subject to any conditions under which the communal property is by law or custom held or enjoyed ;
- (b) no person shall have or acquire at any time any private or exclusive right to the communal property or to any part thereof ;
- (c) where the communal property or any part thereof is required for any of the following purposes, that is to say—
 - (i) the formation of a village or quarter ;
 - (ii) reclamation ;
 - (iii) soil conservation ;
 - (iv) mining ;
 - (v) an undertaking of public utility,

the Council of Ministers, by notice in the official *Gazette* of the Republic, declare that such property or part thereof shall cease to be communal property :

Provided that in every such case property of the Republic of equal utility as the communal property shall, if available, be assigned in lieu thereof or, if property of the Republic is not available, a sum equal to the value of the communal property, as determined by the Director, shall be provided and disposed of for the benefit of such town, village or quarter ;

- (d) where by law or custom the communal property is held or enjoyed by any town, village or quarter for any particular use, the Council of Ministers may, upon a request from at least two-thirds of the male inhabitants of such town, village or quarter, who have attained the age of twenty-one years, and upon being satisfied that such use is no longer in the interest of such town, village or quarter, terminate such use and either substitute some other use therefor or dispose of the property in such manner as it may deem fit :

Provided that any such alternative use or the proceeds of any such disposal shall be or disposed of for the benefit of such town, village or quarter.

20. Where any person cultivates any land belonging to the Republic or to a person registered therefor without the consent in writing of the Republic or of such person, as the case may be, any produce thereof or any profit therefrom shall vest in and be the property of the Republic or of such person, as the case may be, without payment of any compensation whatsoever.

Cultivation of land without the consent of the Republic or of registered owner.

21. Where any immovable property is held in undivided shares, all the co-owners shall be entitled, in proportion to their respective shares, to—

(a) any building or other erection or structure erected upon, or affixed to, the property ;

(b) any tree or vine planted or any well sunk therein ;

(c) any permanent improvement effected therein,

whether erected, affixed, planted, sunk or effected by a co-owner or by any other person.

Erections, etc., on immovable property held in undivided shares.
6 of 8/53.

9 of 16/80.

22. (1) Anything growing in a wild state on any land shall be deemed to be the property of the owner of the land.

Trees, etc., on land, deemed to be the property of the owner of the land.

(2) The following provisions shall have effect with regard to—

- (a) any grafted wild tree on any land ;
- (b) any tree or vine planted on any land ;
- (c) any spring found or any watercourse or channel opened or constructed in any land ;
- (d) any building or other erection or structure erected on any land ;
- (e) any fixture affixed to any land or to any building or other erection or structure,

that is to say—

- (i) if grafted, planted, found, opened, constructed, erected or affixed before the date of the coming into operation of this Law, it shall be deemed to be the property of the owner of the land unless another person is registered as the owner thereof or, being entitled to be so registered, applies for registration within two years from the date of the coming into operation of this Law or within two years from the date on which he became so entitled ;
- (ii) if grafted, planted, found, opened, constructed, erected or affixed after the date of the coming into operation of this Law, it shall be deemed to be the property of the owner of the land,

and any dealing affecting such land shall be deemed to include any such wild tree, tree, vine, spring, watercourse, channel, building, erection, structure or fixture, being the property of the owner of the land.

(3) Nothing in this section shall apply to or affect—

- (a) any instrument or thing which is the subject of any hire-purchase agreement under any Law in force for the time being relating to such agreements ;
- (b) any fixture affixed by a tenant to any land or building or other erection or structure for the purposes of trade or agriculture or for ornament and convenience, which the tenant has a right to sever and remove during the term or at the end of his tenancy.

Transfer or mortgage of trees, etc., separately registered to include transfer or mortgage of land.

23. Where any trees, vines or other thing planted or growing upon any land though belonging to the owner of the land are separately registered in his name he shall not be entitled to transfer or mortgage the same unless he transfers or mortgages the land on which they stand ; and any transfer or mortgage of any such trees, vines or other thing planted or growing upon any such land shall be deemed to include the transfer or mortgage of the land belonging to the same owner.

*24.

Option to co-owners of immovable property. 3 of 4/54.

25. (1) Subject to the provisions of section 26 of this Law, when an owner of an undivided share in any immovable property makes a declaration before the District Lands Office that he has agreed to sell the same to a person who is not a registered co-owner in the same property, the transfer of such share shall not be registered unless—

11(a) of 16/80.

(a) within sixty days from the date of the declaration of sale the vendor satisfies the Director that the other registered co-owners do not wish to purchase his share at the price at which it is being sold ; or

8(a) of 8/53.

(b) the prospective purchaser advertises the proposed sale thereof or brings it to the knowledge of the other owner as in subsection (2) of this section provided within sixty days from the date of the declaration of sale and no registered co-owner acquires the share thereunder.

11(b) of 16/80.

8(b) of 8/53.

(2) The proposed sale shall be advertised in such form and in such newspaper or newspapers as the Director may require, or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require, and any registered co-owner may, upon lodging in the District Lands Office, within thirty days of the advertisement or the service of the notice, the price at which the vendor's share is being sold together with the registration fee, be registered for such share ; and the amount so lodged shall thereupon be paid out to the person who joined in the declaration of sale as purchaser :

8(c) of 8/53.

Provided that if more than one registered co-owner acts as hereinbefore provided, the Director shall register, in the name of such co-owners as are willing to proceed with the purchase, the vendor's share in the proportion which their shares bear to one another. The Director shall, thereafter, make the appropriate re-adjustments and refunds of the amount lodged to the persons entitled thereto.

11(c) of 16/80.

(3) If the action required under paragraph (a) or paragraph (b) of subsection (1), as the case may be, is not taken and proof thereof is not produced to the Director within the period of sixty days from the date of the declaration of sale provided therein, the declaration shall be cancelled by the Director and it shall be deemed not to have been made and notice of its cancellation shall be given by the Director to the vendor and to the prospective purchaser appearing on the declaration.

11(c) of 16/80.

(4) The provisions of this section shall not apply where an undivided share in any immovable property is held together with other immovable property wholly owned by the same owner as a single unit under the same registration in the Land Register and this unit is the subject matter of a declaration of sale as in subsection (1).

*Note : Section 24 expired on the 31st December, 1980 by virtue of subsection (6) thereof.

The text of the above section is set out at the end of this publication.

(5) For the purposes of this section, "registered co-owner", "other owner" and any other related expression means the person who was the registered co-owner at the time and date on which the declaration of sale referred to in subsection (1) was made. 11(c) of 16/80.

(6) For the purposes of this section where the prospective purchaser appearing in the declaration of sale believes that the sale price agreed and declared does not represent the value of the share of the immovable property on the day of the declaration of transfer by reason of an increase in the value of the immovable property in question since the date on which the sale was agreed, he may, by a written application to the District Lands Office on the date of the transfer, require that any registered co-owner who wishes to exercise the right to acquire the share transferred, pay such amount which in his opinion represents the value of the share transferred on the date of the transfer. Such request shall be stated in the advertisement or notice to the other co-owner provided under subsection (2), as the case may be. Thereafter any registered co-owner who wishes to exercise the right to acquire the share transferred shall, within the period of thirty days provided by subsection (2), lodge in the District Lands Office the price demanded by the prospective purchaser and the appropriate registration fees, or he may apply to the Court for the determination of the value payable and shall serve upon the District Lands Office a copy of his application to the Court : 11(c) of 16/80.

Provided that this section shall apply where the declaration of transfer is accepted after the expiration of at least six months from the date on which the sale has been agreed, and a copy of the contract of sale has been lodged in the District Lands Office under the Sale of Land (Specific Performance) Law :

Cap. 232
50 of 1970
96 of 1972.

Provided further that nothing in this subsection shall apply where the contract of sale was made before the date of the coming into operation of this subsection and a copy thereof has not been lodged in the appropriate District Lands Office under the Sale of Land (Specific Performance) Law, unless such contract is produced to any District Lands Office within two months from the coming into operation of this subsection, so that the date of production thereof shall be noted thereon and such note of the date shall be conclusive evidence of the production of the contract.

Cap. 232
50 of 1970
96 of 1972.

*

26. Nothing in sections 24† and 25 contained shall apply to a declaration of sale made under a written contract of sale entered into before the coming into operation of this Law :

Sections 24
and 25 not
to apply in
certain
cases.

Provided that such contract is presented to the District Lands Office within three months from the date of the coming into operation of this Law by any party thereto for an endorsement thereon of the date of such presentation ; and such endorsement shall be conclusive evidence that the contract had been so presented.

*Note : Section 27 of the Immovable Property (Tenure, Registration and Valuation) (Amendment) Law, 1980, contains certain transitional provisions which are set out in the Memorandum at the end of this publication.

†Note : Section 24 expired on the 31st December, 1980.
See Note in page 12.

General provisions relating to division, etc., of immovable property.

27. (1) The following provisions shall have effect in all cases of division or partition of immovable property, and no division or partition thereof shall be lawful if it contravenes any one of such provisions, that is to say—

- 12(a) of 16/80. (a) no immovable property suitable for building site purposes and no building shall be divided into separate holdings except in accordance with the provisions of any Law or Regulation in force for the time being ;
- 12(b) of 16/80. (b) no vineyard, orchard, grove or land irrigated from a perennial or a seasonal source of water or capable of being irrigated from a perennial source of water shall be divided into holdings of less than one donum in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than two donums in extent ;
- 12(c) of 16/80. (c) no land which is not irrigated or is not irrigable either from a perennial or a seasonal source of water shall be divided into separate holdings of less than five donums in extent ;
- (d) subject to the provisions of paragraphs (a), (b) and (c) of this subsection, no immovable property shall be divided into separate holdings unless, in the opinion of the Director, each such holding can properly and conveniently be held and enjoyed as separate and self-contained tenement ;
- (e) no tree shall be allocated to more than one person ;
- (f) no land in which a person owns a share shall be allocated to such person as his separate property unless there is also allocated to him everything planted or growing thereon.
- 2 of 51/71. (2) Notwithstanding the provisions of paragraphs (b) and (c) of subsection (1), the following provisions shall apply to any area where a Land Consolidation Association has been constituted or a consolidation has been effected under the Agricultural Consolidation Law and any law amending the same :
- 24 of 1969
52 of 1971
8 of 1973.
- 12(d) of 16/80. (a) no vineyard, orchard, grove or land irrigated from a perennial or seasonal source of water or being irrigable from a perennial source of water shall be divided into holdings of less than two donums in extent, or, if being irrigable from a seasonal source of water, into holdings of less than four donums in extent ;
- 12(e) of 16/80. (b) no land which is not irrigated or is not being irrigable from a perennial or seasonal source of water shall be divided into holdings of less than ten donums in extent :

Provided that the Land Consolidation Association established under the said Law may, by a notification published in the official *Gazette* of the Republic, specify, for the purposes of paragraphs (a) and (b) of this subsection, the areas within which, instead of the minimum extent provided by the said paragraphs, the minimum extent provided by paragraphs (b) and (c) of subsection (1) shall apply respectively.

- 2 of 51/71. (3) Notwithstanding the provisions of section 9 of this Law, the provisions of this section shall apply to all cases of division or partition of immovable property made after the date of the coming into operation of this Law or within ten years immediately before such date, and where the

property taken under any such division or partition contravenes the provisions of this section no title by adverse possession shall be acquired therefor.

28. (1) Where immovable property is held in undivided shares but no division thereof can be made without contravening the provisions of section 27 of this Law, any co-owner may apply to the Director for a certificate to the effect that partition of the property is impossible by reason of the said provisions, and upon being furnished with such certificate such co-owner may serve a notice on the other co-owners in Cyprus together with a copy of such certificate informing them that unless within thirty days after service they can agree to an arrangement whereby the property is allocated to one person he will apply to the Director to put up the property for sale by auction ; and the Director, upon proof of such service and upon being satisfied that no arrangement as hereinbefore has been agreed upon, may, at his discretion and without any further notice and notwithstanding the absence of any co-owner from Cyprus, proceed to sell the property by auction, and distribute the proceeds, after deducting the expenses of such sale, among the persons entitled thereto according to their respective rights in the property :

Power to Director to sell property held in undivided shares in certain cases.

13(a) of 16/80.

13(a) of 16/80.

4(a) of 4/54.

9(a) of 8/53.

Provided that where, by reason of the value of the property or of the number of the co-owners or for any other reason, it appears to the Director that the service of the notice and copy of the certificate aforesaid on the other co-owners in Cyprus can be dispensed with, there may be published in lieu thereof, at the expense of any co-owner, a notice to the other co-owners in such form and in such newspaper or newspapers as the Director may require ; and the date of publication in the newspaper or the last of the newspapers, as the case may be, shall be deemed to be the date of service of the notice for the purposes of this subsection.

9(b) of 8/53.

(2) Where immovable property, the registered value of which is less than ten pounds is held in undivided shares but no division can be made without contravening the provisions of section 27 of this Law, the Director may cause a notice to be posted up to the effect that, unless the Director is informed by the owners of the said property within thirty days of the posting up of such notice that they have agreed to an arrangement whereby the property is allocated to one person or divided in a manner which does not contravene the provisions of section 27 of this Law, the Director shall put up the property for sale by auction ; and the Director on being satisfied that no such arrangement as hereinbefore has been agreed on, may, at his discretion and without further notice, proceed to sell the property by auction and distribute the proceeds, after deducting the expenses of such sale, among the persons entitled thereto according to their respective rights in the property.

13(b) of 16/80.

3 of 51/71.

4(b) of 4/54.

(3) The provisions of subsections (1) and (2) of this section shall apply to any immovable property which is held in undivided shares but cannot be partitioned among the co-owners without contravening the provisions of section 27 of this Law, notwithstanding that such property, together with other properties held in undivided shares by the same co-owners, might be partitioned as in subsection (2) of section 29 of this Law provided.

9(c) of 8/53.

29. (1) Where immovable property is held in undivided shares, it shall be lawful for the Director, on the application of any co-owner, to cause a partition of the property to be made amongst the several parties entitled thereto and to register the holdings into which the property is divided in the names of the persons to whom the same are respectively allotted.

Partition of immovable property held in undivided shares.

(2) Where the property to be partitioned consists of several parcels, the total value of all such parcels shall be taken as the basis of the partition, and the partition may be carried out either by partitioning each parcel separately or by partitioning the parcels as a whole, whichever would, in the Director's opinion, be in the best interests of all persons concerned :

5 of 4/54.

Provided that where a building is used as a dwelling house by any of the co-owners it shall not be included in the partition except with the consent of the co-owner or co-owners by whom it is so used.

14 of 16/80.

(3) In making a partition under the provisions of this section the Director shall, as far as possible, apportion the property in accordance with the wishes of the several co-owners, and if the co-owners, though otherwise agreeing with the partition, do not agree as to the holding or holdings to be allotted to each one of them, the question shall be finally determined by the drawing of lots by the Director and upon completion of the partition, the Director shall give notice thereof to all persons affected thereby.

(4) Where by reason of the nature of the property to be partitioned or of the number of the parties interested therein or for any other reason, it appears to the Director that it is not practicable to allot holdings of a value corresponding to the respective shares of the co-owners, the Director may order that those co-owners who take holdings of greater value than their due shall pay to those who take holdings of less value than their due or take no holding at all, such compensation as the Director may determine having regard to their respective shares and the values which he allocates to the holdings.

(5) Upon the making of an order under the provisions of subsection (4) of this section the Director shall give notice therefor to all persons affected by the partition.

(6) If a co-owner ordered to pay compensation to another co-owner under the provisions of this section fails to pay the same within forty-two days after the date of the final order, the Director may put up the holding or holdings allotted to the co-owner in default to sale by auction and pay such compensation out of the proceeds.

(7) Where compensation has been ordered to be paid by a co-owner, under the provisions of this section, such co-owner shall not be entitled to deal with the holding allotted to him before the compensation ordered is paid except with the consent of the person to whom the same is payable.

Re-adjustment where owner of trees and land is not the same person.

30. (1) Where any tree, vine, building or other erection or structure is owned by a person other than the owner of the land whereon the same is standing, the Director may on the application of any person having an interest in the land, tree, vine, building or other erection or structure, effect a readjustment of the interests of the parties therein so as to ensure that in no case shall a tree, vine, building or other erection or structure be owned by a person other than the owner of the land whereon the same is standing.

4 of 51/71

(2) In making such re-adjustment, where any share to which any person would have been entitled is so small that a holding cannot be allocated to him without contravening the provisions of section 27 of this Law, the Director may order that his share shall be allotted to any other owner of land, trees, vines, buildings or other erections or structures in respect of which the re-adjustment is made, upon payment to the person whose share is being so allotted of such compensation as the Director may determine.

(3) Upon the making of an order under the provisions of subsection (2) of this section the Director shall give notice therefor to all persons affected by the re-adjustment and thereafter the provisions of subsections (6) and (7) of section 29 of this Law shall apply *mutatis mutandis* to this section as they apply to the said section.

31. Where any immovable property to which section 29 or 30 of this Law applies or any share therein is subject to any charge under the provisions of any Law in force for the time being, it shall be lawful for the Director to proceed with the partition or re-adjustment of such property in accordance with the provisions of the section applicable thereto and to make such charge a charge upon that portion of the property which is allotted to the person against whom the charge operates :

Partition or re-adjustment of immovable property subject to charge.

Provided that any compensation payable under section 29 or 30 of this Law shall be paid to the person in whose favour the charge operates.

32. No partition or re-adjustment shall be made under the provisions of section 29 or 30 of this Law unless the Director gives thirty days' previous notice therefor to all parties affected thereby and if after such notice any person to whom such notice had been given fails to appear the Director may proceed to act in his absence.

No partition or re-adjustment without notice.

33. (1) Where on any land there are trees, vines, buildings or other erections or structures belonging to a person other than the owner of the land and it is found impossible by the Director to make a re-adjustment under the provisions of section 30 of this Law, the following provisions shall have effect, that is to say—

Compulsory acquisition where re-adjustment impossible. 10 of 8/53.

- (a) the owner of such land may, if registered therefor and if the estimated value of such land or the estimated aggregate value of such land and any trees, vines, buildings or other erections or structures thereon belonging to the owner of the land is greater than the estimated value of the trees, vines, buildings or other structures belonging to the other person, acquire the same compulsorily upon payment to the owner thereof of their value :

Provided that where the land is owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the trees, vines, buildings or other erections or structures acquired hereunder as he owns in the land :

Provided also that where on any land there are separately owned trees, vines, buildings or other erections or structures, the right hereby conferred on the owner of the land may be exercised by him in respect of all the trees, vines, buildings or other erections or structures belonging to any one or more owners ;

- (b) the owner of such trees, vines, buildings or other erections or structures may, if registered therefor and if the estimated value of such trees, vines, buildings or other erections or structures is greater than the estimated value of the land or the estimated aggregate value of the land and any trees, vines, buildings or other erections or structures thereon belonging to the owner of the land, acquire the land compulsorily upon payment to the owner thereof of its value :

Provided that where any such trees, vines, buildings or other erections or structures are owned in undivided shares, the right

hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the land acquired hereunder as he owns in such trees, vines, buildings or other erections or structures :

Provided also that, where by reason of any trees, vines, buildings or other erections or structures standing on any land being separately owned, two or more persons seek to acquire the same land independently of one another, there shall be preferred the person or persons whose trees, vines, buildings or other erections or structures are estimated to be of greater value than the trees, vines, buildings or other erections or structures belonging to another person or persons seeking to acquire the same and, where trees, vines, buildings or other erections or structures belonging to different person or persons seeking to acquire the same land are estimated to be of equal value, the land shall be acquired by them in equal shares.

(2) For the purposes of this section the value of any property which has to be estimated shall be estimated by the Director with the assistance of the mukhtar of the village or quarter within which the property is situate or of his representative, or where the interested parties belong to different communities, each having a mukhtar of its own, with the assistance of both mukhtars or their representatives :

Provided that the estimate made by the Director shall be valid for the purposes of this section even if any such mukhtar or his representative fails to give assistance in the making of the estimate.

(3) Upon the making of an estimate under the provisions of subsection (2) of this section the Director shall give notice therefor to all persons affected thereby.

First
Schedule.

(4) Proceedings under this section shall be in accordance with the Regulations in the First Schedule to this Law which may be amended from time to time by the Council of Ministers.

Partition by
co-owners.

34. Where any immovable property held in undivided shares has been partitioned by the co-owners the Director may, on application for the registration of the property so partitioned, direct registration of the property to be effected in accordance with the terms of the partition if they do not contravene the provisions of section 27 of this Law :

Provided that where any property or any share therein involved in the partition is subject to any charge under the provisions of any Law in force for the time being, the partition shall not be registered unless the person in whose favour the charge operates gives his consent in writing:

15 of
16/80.

Provided further that if the person in whose favour the charge operates refuses to give his consent, any one of the co-owners affected may apply to the District Court for such an order as under the circumstances it may consider fit.

Manner
of sale.

35. Every sale made under this Part of this Law shall be made in accordance with the provisions of any Law relating to sales by public auction and the Rules of Sale in force for the time being :

11 of 8/53.

Provided that the Director may prescribe the maximum number of persons who, acting jointly, may be allowed to bid at an auction for a property put up for sale under the provisions of section 28 of this Law.

Provisions relating to Vakf Immovable Property.

36. (1) Any immovable property which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the District Lands Office before the coming into operation of this Law and which is registered in the name of any person who professes the Moslem faith may, by a valid deed of dedication, be made Vakf.

Making of immovable property Vakf.

(2) Any immovable property which lies outside the areas mentioned in subsection (1) of this section registered in the name of any person who professes the Moslem faith which is sufficiently planted with trees or vines or covered with buildings, to the satisfaction of the Director, may, by a valid deed of dedication, be made Vakf :

Provided that a fee equal to one-fourth of the registered value of such property shall be paid into the revenue of the Republic by the owner, and that no such property shall be made Vakf until such fee has been paid.

37. Whenever any immovable property is made Vakf after the commencement of this Law, such property shall be registered in the name of the person entitled under the deed of dedication to be the trustee thereof for the time being.

Registration of Vakf in the name of trustee.

38. Where any tree, vine, building or other erection or structure held as Vakf stands on land which is not Vakf, or *vice versa*, the Director may, on the application of any person having an interest in the land, tree, vine, building or other erection or structure, effect a re-adjustment of the interests of the parties so as to ensure that in no case shall a tree, vine, building or other erection or structure be held as Vakf independently of the land, or *vice versa*, and in making such re-adjustment there shall be applied the provisions of section 30 of this Law as far as possible.

Trees, etc., held as Vakf on non-Vakf land and *vice versa* 12 of 8/53.

PART III REGISTRATION

39. The districts constituted under the Administrative Divisions Law, shall be immovable property registration districts for the purposes of this Part of this Law.

Immovable property registration districts. Cap. 23.

40. (1) No transfer of, or charge on, any immovable property shall be valid unless registered or recorded in the District Lands Office.

Validity of certain transactions affecting immovable property.

(2) No transfer or voluntary charge affecting any immovable property shall be made in the District Lands Office by any person unless he is the registered owner of such property :

Provided that the executor or administrator of an estate of a deceased person shall, for the purposes of this subsection, be deemed to be the registered owner of any immovable property registered in the name of the deceased.

41. (1) Any immovable property belonging or attached to a religious corporation at the date of the coming into operation of this Law which is not already registered in its name, and any immovable property which, though registered in the name of some person, is held for or on behalf of a religious corporation at that date, may be registered in the name of such corporation :

Registration of immovable property in the name of religious corporation.

Provided that the corporation shall apply to the District Lands Office not later than eight years after that date for the property to be so registered, and, where the Director so requires, shall pay the fees prescribed for local inquiry.

13 of 8/53.

(2) After the expiration of the period mentioned in subsection (1) of this section no claim of title to or in connection with any immovable property by any religious corporation shall be valid or shall be entertained or recognized in any Court or District Lands Office unless the corporation files together with the writ a certificate of the Director that it has applied to the District Lands Office within the period in subsection (1) of this section mentioned for the property to be registered in its name and, where the Director so required, paid the fees prescribed for local inquiry :

Provided that nothing in this subsection contained shall apply to any immovable property which is already registered in the name of the religious corporation or which has been lawfully acquired by such corporation by transfer from a registered person after the commencement of this Law.

(3) No transfer fee shall be levied upon the registration of any immovable property in the name of a religious corporation by transfer from a registered person who held the property for or on behalf of the corporation.

(4) Any transfer or voluntary charge affecting immovable property registered in the name of a religious corporation may be declared in the District Lands Office by the head of the corporation or his duly authorized representative.

Compulsory registration of unregistered property.

42. When any immovable property is not registered in the name of the person entitled to be registered as the owner thereof, the Director may, subject to the provisions of section 44 of this Law, compel the registration of such property to be made in the name of such person.

General registration. 16 of 16/80.

43. (1) The Director may order a general registration to be made of all the immovable property in any town, village or quarter or any specified part thereof or any specific type of immovable property out of those set out in the definition of the words "immovable property" in section 2 in the name of its respective owners :

Provided that no general registration shall be made of any such property where a general registration thereof has already been made whether under the provisions of this Law or under any other Law hereby repealed*.

(2) Where any immovable property in any town, village or quarter or any specified part thereof for which the Director has ordered a general registration to be made is already registered on the date of such order, the Director may relate the registration of such immovable property to the plan used as the basis of the general registration and may make a new edition of such registration for the sake of a more accurate definition of such property or greater clearness including a different description of the boundaries, area or registration number :

Provided that no such new edition shall be made unless the Director had included in the statement furnished to the mukhtar, as provided in section 45 of this Law, particulars of the properties affected thereby :

Provided further that no fee whatsoever shall be charged for any such new edition.

Procedure in individual cases.

44. (1) When the Director proposes to compel registration of any immovable property to be made in the name of any person under the provisions of section 42 of this Law, he shall give him notice thereof calling upon him, within sixty days from the date of the giving of the notice to

* See page 44.

cause such property to be registered in his name or to show cause why such registration should not be made. A notice to the like effect shall also be posted up.

(2) Every such notice shall contain a description of the immovable property, its extent, boundaries, situation, value, the share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued, together with a statement of the fees payable in respect of the registration.

45. If the Director orders, under section 43 of this Law, a general registration to be made of all or a specified part of the immovable property in any town, village or quarter, he shall furnish the mukhtar of the town, village or quarter with a plan of the town or village lands or of the specified part thereof and of the various holdings as surveyed, together with a statement containing a description of the several holdings, their extent, boundaries, situation, value, the share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued together with a statement of the fees payable in respect of the registration and thereupon the following provisions shall have effect—

Procedure on general registration.

- (a) the Director shall publish in the official *Gazette* of the Republic and such other newspaper as the Director may deem necessary a notice informing the public that a general registration will be made giving particulars of the area in respect of which the notice is given, and that the plan and particulars relating to such property have been furnished to the mukhtar, and calling upon all owners generally within sixty days from the date of the publication of the notice in the official *Gazette* of the Republic to show cause why the property shown as belonging to each one of them in the statement of particulars furnished to the mukhtar should not be registered in his name or a new edition made in accordance with such particulars ;
- (b) every person interested in any immovable property to which such notice relates may inspect the plan and statement of particulars at all reasonable times and the mukhtar in charge of such plans and particulars shall at all reasonable times allow any such person to make any extract therefrom or to take any copy thereof free of any charge.

46. (1) If within the period in section 45 of this Law provided any objection is made but the Director is of opinion that the registration should nevertheless be effected in the name of the person given in the notice or statement of particulars, he shall give notice thereof to the objector who may, within thirty days from the date of such notice, apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply the Director may register the property in the name of the person given in the notice or statement of particulars.

Director may register upon failure of unregistered owner to register.

(2) If any owner affected by any notice given by the Director under section 44 or 45 of this Law fails to comply therewith within the time stated therein, the Director may proceed to register such property in the name of such owner or make such new edition.

47. (1) The registration fee shall be payable in three equal annual instalments, the first of which shall be due on the 13th day of March next following the date of registration and the remaining two on the 13th day of March in each of the succeeding years, and any such instalment may be recovered in the manner provided by the Tax Collection Law.

Fee on compulsory registration. 3 of 2nd Sch. to 10/24. 31 of 1962.

(2) The registration fee shall be a charge on the immovable property to which it relates and shall have priority over all other charges and incumbrances whatsoever, whether accruing before or after the date of registration ; and where the property is to be sold for the satisfaction of any other charge or incumbrance, the sale shall be subject to a reserve price which shall not be less than any balance of the registration fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

(3) Where any request is made for the transfer or mortgage of property charged with the payment of a registration fee before the same has been recovered in full, such transfer or mortgage shall not be made except upon payment of any balance of the fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

14 of 8/53. (4) For the purposes of subsections (1), (2) and (3) of this section, " registration fee " includes the fee payable in respect of the issue of a certificate of registration under any Law in force for the time being.

Payment of fee in voluntary registration deferred in certain cases.
17(a) of 16/80.
17(b) of 16/80.

48. Where any immovable property does not stand registered in the name of the owner thereof and application is made to the District Lands Office that the property be so registered, the Director may register the same in the name of the owner without requiring payment of the registration fee to be made in advance, and upon the property being registered the provisions of section 47 of this Law shall apply thereto as they apply to registrations made under sections 42 to 46, both inclusive, of this Law.

Registration of property registered in the name of a deceased person, in name of persons claiming title thereto.

49. (1) Where application is made for the registration of immovable property in the name of a person who claims to be entitled thereto and such property is registered in the name of a deceased person, the Director may register the property in the name of the person so entitled on production of the consent in writing, duly authenticated, of the heirs of the person registered for the property :

Provided that where in the Director's opinion such consent is unreasonably withheld or it is impossible or impracticable to obtain, the Director may, at the applicant's expense, in lieu of such consent, publish in such newspaper as he may think fit and also post up a notice containing—

- (a) a description of the property ;
- (b) the name of the person standing registered ;
- (c) the name of the person proposed to be registered,

and calling upon any person interested in the property to show cause within sixty days from the date of the publication of such notice why the proposed registration should not be effected.

(2) If within the period aforesaid no objection to the proposed registration is made, the Director may, subject to the provisions of subsection (4) of this section, proceed to register the property accordingly.

(3) If within the period aforesaid any objection is made but the Director is of opinion that the registration should nevertheless be effected, he shall give notice thereof to the objector who may, within thirty days from the date of such notice, apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply, the Director may register the property in the name of the person entitled thereto.

(4) Where an heir of the person registered for the property is absent from Cyprus, no registration shall be made under this section which the Director considers to be prejudicial to the interests of the absentee, unless thirty years have elapsed from the date of the death of the person registered.

50. The area of land covered by a registration of title to immovable property shall be the area of the plot to which the registration can be related on any Government survey plan or any other plan made to scale by the Director :

Mode of determining area of registered land.

Provided that where the registration cannot be related to any such plan, such area shall be the area of the land to which the holder of the title may be entitled by adverse possession, purchase or inheritance.

50A. (1) The Director may order the adoption of new plans for any town, village or quarter or for any part of a town, village or quarter specified by him to substitute the plans in use, whether such new plans (hereinafter in this section referred to as "the new plans") are on the same scale as the ones to be substituted or on a different one.

Adoption of new plans. 18 of 16/80.

(2) When there is an order for the adoption of new plans under subsection (1), the Director shall furnish the chairman of the respective village committee with a copy of each of the existing plans in use and a copy of the new plan to be adopted in substitution therefor and a list showing the number and area of each plot of immovable property on the first and the corresponding number and area of a plot on the second, and thereafter the following provisions shall apply :

- (a) The Director shall publish in the official *Gazette* of the Republic and in at least two daily newspapers having a circulation within the area in respect of which the adoption of new plans is proposed and shall affix on conspicuous places within such area a notice informing the public of the proposed adoption of new plans, specifying the area in respect of which the adoption of new plans is proposed, stating that both the plans and the said list have been deposited with the chairman of the respective village committee and calling on every owner of immovable property situate within the said area to show cause, within sixty days from the last publication of the notice, why the new plan should not be adopted with respect to his immovable property ;
- (b) any person who has a lawful interest in any immovable property situate within the area specified in the notice may inspect the said plans and the said list at all reasonable times and the chairman of the respective village committee shall allow the inspection thereof at any such time and the taking of a copy of anything contained therein free of any charge.

(3) If any objection is submitted within the period provided in paragraph (a) of subsection (2), the Director shall consider the same and shall notify his decision thereon by a notice served on the person objecting and on any other person whose lawful interests may be affected by the objection or the decision thereon.

(4) After the expiry of the period provided under subsection (2) or under section 80, as the case may be, the Director shall proceed to adopt the new plans as they may have been amended by him after the submission of an objection under subsection (3) or as they may have been amended by an order of the Court under section 80, as the case may be, and where any immovable property in the relevant area is already registered in the land register, the Director may relate the registration thereof to the new plan

by amending or correcting the land register and any other book or record of the Lands Office and the certificate of registration of that immovable property without imposing any fee or charge :

Provided that where this section applies to areas where the land register and other books of the Lands Office are being unlawfully detained and are not under the control of the Republic of Cyprus, the Director may relate any registration to the new plan as soon as possession of the respective land register or other book of the Lands Office becomes possible.

Register and other books.

51. There shall be kept in each District Lands Office—

- (a) a separate Land Register for each town and village, or, if the Director so directs, for any quarter or block of a town or village in such form as he may determine, in which all registrations and transfers of immovable property shall be recorded ; and
- (b) such other books and abstracts as the Director may deem necessary.

Information to be furnished. 19 of 16/80.

51A. (1) Upon the payment of the prescribed fee, the Director shall furnish every interested person with any information with respect to any entry in any register or other book kept in every District Lands Office.

(2) For the purposes of subsection (1), "interested person" means the owner, his heirs, devisees and legatees, the owner of any trees, buildings or other objects on the land which belongs to another and vice versa, the person entitled to any right or interest in the immovable property, the person who satisfies the Director that he is a prospective purchaser or mortgagor, the plaintiff in any action against the owner of such property, the professional valuer who may require certain information for the purpose of valuing certain immovable property in a case relating to compulsory acquisition and includes any person not thus specified to whom the Director may specifically order that any information be furnished.

Certificate of registration.

52. Every certificate of registration shall contain such particulars and shall be in such form as the Director may determine.

Separate certificate for co-owners.

53. The Director may require any co-owner of immovable property to obtain a separate certificate of registration for his share therein and pay the registration fee therefor.

Power to the Director to effect registration of shares. 15 of 8/53.

54. Where immovable property is held in undivided shares and application is made by one of the co-owners for the registration of his share therein, it shall be lawful for the Director to register all the shares in the property.

Record of easement in Register and certificate of registration.

55. Where any land is subject to or enjoys any right, privilege, liberty, easement or other advantage as in section 12 of this Law, the same shall, on the application of any interested party, be recorded in the Land Register and in the certificate of registration relating to such land.

Certificate of registration to include certain properties.

56. From and after the date of the coming into operation of this Law, every registration made and every certificate issued in connection with any transfer of land or building or any devolution thereof by inheritance, shall be deemed to include all immovable property connected therewith to which the transferor or deceased was entitled.

57. From and after the commencement of this Law no separate registration for anything standing, planted or erected on land or for any right attached or subject to the land, shall be effected independently of such land, except where such thing or right belongs to a person other than the owner of the land.

No separate registration for anything standing on land.

58. (1) Where any dispute arises as to the boundaries of any registered land, such dispute shall, in the first instance, be determined by the Director after notice given to the parties at least fourteen days in advance informing them of the time when the boundaries in dispute will be inspected and no Court shall entertain any action or other proceeding relating to such dispute unless the same has been determined in the first instance as in this section provided.

Determination of disputes as to boundaries.

(2) The Director may decide on the dispute in the absence of any party notified as in subsection (1) of this section provided.

(3) On deciding a boundary dispute the Director shall give notice of his decision to the parties to the dispute and shall place such land marks as he may think fit to show the line of the boundary as by him decided and make such measurements and notes as may be required for identifying the position of the land marks.

(4) The cost of placing the land marks shall be borne by the party who, in the Director's opinion, is at fault and such cost may be recovered in the manner provided by the Tax Collection Law.

31 of 1962.

59. Upon proof to the satisfaction of the Director that any certificate issued by him relative to immovable property has been lost or destroyed, or is unlawfully withheld from the person entitled thereto, he may, on payment of the prescribed fee, issue another such certificate to the person entitled thereto, and the Director shall thereupon make an entry in the Register of the issue of another such certificate and every such certificate shall be valid and effective for all purposes.

Lost or destroyed certificates.

20 of 16/80.

60. Subject to the provisions of this Law, the Director may by notice require any owner or other person making an application to have immovable property registered or any owner, mortgagee or other person interested in any immovable property in respect of which any transfer, mortgage or other charge is about to be registered or recorded—

Power to require information, etc., in relation to immovable property.

(a) to appear before him at such reasonable time and place as may be specified therein and give such information in relation thereto as he may possess ;

(b) to produce all relevant instruments in his possession or under his control in relation thereto.

61. (1) The Director may correct any error or omission in the Land Register or in any book or plan of the District Lands Office, or in any certificate of registration, and every such Register, book or certificate of registration so corrected shall have the like validity and effect as if such error or omission had not been made.

Power to correct errors and omissions. 21(a) of 16/80.

(2) Where by reason of mistake, omission, false declaration or false pretence made either in good faith or fraudulently, any registration is effected in any book of the District Lands Office, the Director may, after ascertaining the true facts, proceed to cancel such registration, as well as every certificate relating to that registration.

21(b) of 16/80.

21(b) of
16/80.
21(c) of
16/80.

(3) No amendment, correction or cancellation shall be made under the provisions of subsection (1) or (2) of this section, unless thirty days' previous notice is given by the Director to any person who may be affected thereby, and any person may, within the period of thirty days from the date of the giving of such notice, lodge an objection with the Director who shall thereupon investigate the same and give notice of his decision thereon to the objector.

Seals.

62. (1) Every District Lands Office shall have a seal of such form as may be approved by the Council of Ministers.

(2) The seal shall be in the custody of such officer as the Director may direct, and shall be affixed by him to every instrument issued out of the office.

Mukhtar to report death of owner of immovable property.

63. Upon the death of any person possessed of, or beneficially interested in, any immovable property, it shall be the duty of the mukhtar of the town, village or quarter in which the deceased person last resided to report such death forthwith to the District Lands Office of his district.

Rewards to mukhtars.

64. It shall be lawful for the Director to grant to any mukhtar reporting a death as required by section 63 of this Law a fee not exceeding one hundred mils.

Court proceedings relating to claims to immovable property.

65. (1) Whenever an action or other proceeding is taken in any Court claiming the title to any immovable property, the Registrar of the Court shall require the plaintiff or applicant to furnish him with a certified copy of the writ of summons or other document by which the claim was made and the Registrar shall forward the same to the District Lands Office for the Director's information.

(2) A certified copy of a judgment or order of the Court shall be sufficient authority to the Director to make the registrations or alterations required by the judgment or order on payment of the prescribed fees.

2 of 2/78*.

PART IV**

REGISTRATION OF LEASES

Interpre-
tation.

65A. (1) In this Part, unless the context otherwise requires—

(a) "state immovable property" includes any immovable property capable of being leased under the provisions of section 18 ;

(b) the terms "prohibition", "appropriate District Lands Office", "encumbrance", "transfer" and "mortgage" shall have, *mutatis mutandis*, the meaning assigned to them respectively by the Immovable Property (Transfer and Mortgage) Law.

9 of 1965
51 of 1970
3 of 1978
6 of 1981.

**Note :* Under section 4 of the Immovable Property (Tenure, Registration and Valuation) (Amendment) Law, 1978 (2 of 1978), the State Immovable Property (Registration of Leases) Laws of 1967 and 1968 (49 of 1967 and 88 of 1968) are repealed, save that any registration of a lease or sub-lease or any transfer of such lease or sub-lease shall be deemed to have been made under Part IV of this Law.

***Note :* This Part came into operation on the 1st April, 1980 by notification of the Council of Ministers published in Supplement III(I) (P.I.61/80) to the official *Gazette* of the Republic.

(2) For the purposes of this Part, the terms "lessor", "lessee" and "sub-lessee" shall, unless the context otherwise requires, include the respective heirs, personal representatives, administrators, guardians and trustees of such persons and the guardians of the properties of such persons, and—

- (a) in the case of a lessor, the owner for the time being of the immovable property leased ;
- (b) in the case of a lessee or sub-lessee, the owner for the time being of the real right acquired by the registration of the lease or sub-lease, as the case may be.

65B. (1) Where immovable property is leased for a term exceeding fifteen years, no real right shall be acquired by the lease unless, subject to the provisions of this Part, the same is registered in accordance with the provisions of this section. Registration of certain leases.

(2) In order to register a lease under this section, there shall be produced to the appropriate District Lands Office within three months from the date of the signing of the contract of lease, or in the case of a building under construction or to be constructed or in case of partition of land, within three months from the date of issue of the certificate of registration for such building or the certificate of registration for such part of the land which results from the partition—

- (a) a copy of such contract bearing the signatures of the lessor and the lessee and properly authenticated in the prescribed manner ;
- (b) the certificate of registration of the immovable property leased or a search certificate in the Land Register proving such registration :

Provided that no such certificate shall be required to be produced in the case of lease of state immovable property ;

- (c) if only part of immovable property is leased, a survey plan issued by the Director on payment of the prescribed fee showing the property leased ; and
- (d) any other document or particular which may reasonably be required by the Director.

(3) Subject to the provisions of subsection (4), the Director shall, upon the production of the documents referred to in subsection (2) and upon notice being given to the other contracting party, cause the prescribed particulars to be registered in a book specially kept for the purpose (hereinafter in this Part referred to as "Register of Leases") and a certificate of the registration of the lease to be issued in the prescribed form and, except in the case of unregistered state immovable property, a report of the registration so effected to be noted opposite the respective registration of the immovable property in the Land Register and, where this is possible, on the respective certificate of registration of the immovable property.

(4) No lease shall be registered under subsection (3)—

- (a) if the contract of lease is not a valid contract in accordance with the provisions of section 77(1) of the Contract Law ;
- (b) if the contract of lease expressly provides for non-registration of the lease under this section ;
- (c) save in the case of a lease of state immovable property, if the immovable property leased is not registered in the Land Register in the name of the lessor on the date of the production to the District Lands Office of the documents referred to in subsection (2) ;

Cap. 149.

- (d) if only part of the immovable property is leased and such lease involves parcellation of such immovable property in a manner not being in accordance, *mutatis mutandis*, with the provisions of section 27 and/or the provisions of the Streets and Buildings Regulation Law, as the case may be ;

Cap. 96.
14 of 1959
67 of 1963
6 of 1964
65 of 1964
12 of 1969
38 of 1969
13 of 1974
28 of 1974
24 of 1978
25 of 1979.

- (e) if the immovable property leased consists of an undivided share and the registered owners of the other shares therein do not participate as lessors in the contract of lease, unless any such remaining share of the whole is owned by the lessee and is registered in his name ;
- (f) if the lessor is under prohibition :
Provided that nothing in this paragraph shall affect the powers of any person authorised by or under the provisions of any Law in force for the time being, to lease immovable property registered in the name of a person who is under prohibition ;
- (g) if the immovable property leased is subject to an encumbrance, unless the consent in writing of the person in whose favour such encumbrance operates is produced and, if such encumbrance is a mortgage, of the guarantor, if any ;
- (h) if the contract of lease does not provide for specific dates for the commencement (immediate or within twenty years from the date of the signing of the relevant contract or conditional upon the happening of a specific event) and the expiration of the term of the lease even though such expiration is conditional upon the happening of a specific event, provided that a provision may be included therein for the renewal of the lease for a clearly specified further term or terms but without the possibility of renewals in perpetuity ;
- (i) if the appropriate fees and charges for registration of the lease and issue of the respective certificate of registration thereof are not paid.

Legal
consequences
of registration.

65C. (1) Upon the registration of a lease in accordance with section 65B, the lessee shall acquire a real right on the property leased in respect of which the registration was made, on every other relevant immovable property of the lessee as those mentioned in sections 22 and 23 and on anything that may be planted, constructed, erected or affixed on the immovable property leased during the term of the lease.

(2) The real right referred to in subsection (1) shall be subject to the conditions contained in the contract of lease and may, subject to such conditions, be transferred or sub-leased as in section 65D provided, and be inherited, encumbered or disposed of by forced sale :

Provided that the reference in this subsection to the conditions contained in the contract of lease shall not affect the charge other than by mortgage under the provisions of any Law in force for the time being, or the disposal by forced sale of the real right acquired by the registration of the contract of lease.

65D. (1) Where a real right acquired under a contract of lease registered in accordance with section 65B is, subject to the conditions of the said contract, transferred or sub-leased for a term exceeding fifteen years, such transfer or sub-lease shall not be deemed to create any real right unless the same is registered in accordance with subsection (3).

Registration of transfer or sub-lease of a real right.

(2) Registration of the transfer or sub-lease of a real right referred to in subsection (1) shall not be effected if—

- (a) according to the conditions of the contract of lease such transfer or sub-lease is prohibited ;
- (b) according to the conditions of the contract of lease such transfer or sub-lease is only allowed with the written consent of the lessor and he either refuses to give such consent or he is of unknown residence :

Provided that in any such case the lessee may apply to the Court which may, after the enforcement of any Order that it may deem fit to make regarding the service or publication of notice to the lessor, order the registration of the transfer or sub-lease without the production of the said consent ;

- (c) the circumstances referred to in paragraphs (a) and (b) to (i) of subsection (4) of section 65B apply *mutatis mutandis* ;
- (d) the prescribed fees and charges for the service of the notice provided by subsection (4) are not paid.

(3) Subject to the provisions of subsection (2), the registration of the transfer or sub-lease referred to in subsection (1) and the registration of any transfer by reason of inheritance or disposal by forced sale, as the case may be, of a real right acquired under this Part, shall be effected in accordance with the provisions of section 65B which apply, *mutatis mutandis*, to the registration of any such transfer or sub-lease as they apply to the registration of the original lease.

(4) Upon registration being effected as in subsection (3) provided, the Director shall notify the owner of the respective immovable property.

65E. Upon the inheritance or disposal by forced sale or registration of a transfer of a real right, as the case may be, in accordance with section 65D, that real right shall vest in the transferee for the term of the original lease of the respective immovable property which has not yet expired and the same may be registered irrespective of the duration thereof, and upon the registration of a sub-lease of a real right in accordance with the provisions of the said section 65D, the same shall vest in the sub-lessee for the term of the sub-lease, and in any such case the provisions of sections 65C, 65H, 65I, 65J, 65K, 65L and 65M shall apply, *mutatis mutandis*, in respect of the transferee or sub-lessee, respectively, and of the real right acquired by him as they apply in respect of the original lessee and the real right originally acquired by him.

Legal consequences of transfer etc., or sub-lease of a real right.

65F. Where a contract of lease registered in accordance with the provisions of section 65B (hereinafter in this section referred to as the "original contract") is amended by a subsequent contract between the lessor and the lessee (hereinafter in this section referred to as the "amending contract"), that amending contract may be produced to the appropriate District Lands Office, whereupon, after payment of the prescribed fees and charges, the appropriate District Lands Office shall effect an entry thereof opposite the registration of the original lease in the Register of Leases and on the respective certificate of registration thereof, and any

Amendment of registered leases and sub-leases.

necessary amendment of the particulars recorded on the said registration and the said certificate :

Provided that if the real right acquired by the registration of the original contract has been sub-leased by virtue of a sub-lease registered in accordance with the provisions of section 65D, or if the same or the real right acquired by a sub-lease that may have been so registered is subject to an encumbrance (such term having the meaning assigned to it by subsection (5) of section 65F), no entry or amendment shall be effected under this section without the production of the written consent of the sub-lessee or the person in whose favour the real right operates, as the case may be, and, if such encumbrance is a mortgage, of the guarantor, if any.

(2) No amending contract shall alter or otherwise affect the real right acquired by the registration of the original contract, unless that amending contract is produced to the appropriate District Lands Office and the entries and necessary amendments, if any, provided by subsection (1) are effected.

(3) The provisions of subsections (1) and (2) shall apply, *mutatis mutandis*, to a contract between the lessee and sub-lessee amending the contract of sub-lease which has been registered in accordance with the provisions of section 65D.

(4) Nothing in this section shall apply to any contract by which basic conditions of the lease, such as those referring to the term of the lease or sub-lease, are amended, which shall be considered to be a new contract of lease for all the purposes of this Law.

Cancel-
lation of
registra-
tion of
a lease or
sub-lease.

65G. (1) Upon the production of satisfactory proof of the determination of a lease registered in accordance with the provisions of section 65B, the Director shall cause the cancellation of the registration of the lease, as well as of any registered sub-lease of the real right acquired thereby, if any, and of all the notes and entries and encumbrances, if any, relevant to such lease and sub-lease, if any, in the books of the District Lands Office and on the respective certificates of registration, and thereupon the real right acquired by any such registration of a lease and sub-lease, if any, as well as every encumbrance thereon, if any, shall cease to exist and the Director shall notify the interested parties of such cancellation.

(2) The provisions of subsection (1) shall apply, *mutatis mutandis*, to any surrender, before the determination thereof of a lease registered under the provisions of section 65B but only upon the production of :

- (a) the written consent of the lessor and the lessee and the sub-lessee, if any, and any person in whose favour an encumbrance on the real right acquired by the registration of the lease or sub-lease, if any, may operate ; or
- (b) a Court Order made on the application of any interested person, and if such be the case, providing, in the discretion of the Court, for damages or other protection of the interests of the sub-lessee, if any, and any person in whose favour an encumbrance on the real right acquired by the registration of the lease or sub-lease, if any, may operate.

(3) Upon the production of satisfactory proof of the determination of a sub-lease registered in accordance with the provisions of section 65D, the Director shall cancel the registration of the sub-lease and of all the notes and entries and encumbrances, if any, relevant thereto in the books of the appropriate District Lands Office and on the respective certificates of registration and registration of lease, and thereupon the real right acquired

by any such registration of a sub-lease and every encumbrance thereon, if any, shall cease to exist and the Director shall notify the interested parties of such cancellation.

(4) The provisions of subsection (3) shall apply, *mutatis mutandis*, to the surrender in any way before the determination thereof, of a sub-lease registered in accordance with the provisions of section 65D, but only on production of-

- (a) the written consent of the lessee and the sub-lessee and any person in whose favour an encumbrance on the real right acquired by the registration of the sub-lease may operate ; or
- (b) a Court order made on the application of any interested person, and if such be the case, providing, in the discretion of the Court, for damages or other protection of the interests of any person in whose favour an encumbrance on the real right acquired by the registration of the sub-lease may operate.

(5) For the purposes of this section, the term "encumbrance" shall also include prohibition of any of the forms in items 1, 4 and 5 of Part II of the First Schedule to the Immovable Property (Transfer and Mortgage) Law.

9 of 1965
51 of 1970
3 of 1978
6 of 1981.

65H. Notwithstanding the definition of the words "immovable property" in section 2 of the Corporate Bodies (Immovable Property Registration) Law, the provisions thereof regarding the procedure for the registration of immovable property in the name of a corporate body, as defined in the said Law, shall apply, *mutatis mutandis*, to the case of registration creating a real right under this Part.

Applica-
tion of
provisions
of Cap. 218.
Cap. 218.

65I. The owner of immovable property in which a real right was acquired by the registration of a lease in accordance with the provisions of section 65B, shall not be entitled under the provisions of paragraph (a) of subsection (1) of section 11, to grant any right creating an easement over such immovable property and capable of being exercised at any time from the date of the contract of lease to the determination of the lease, or the term or terms for which the lease may be renewed or extended, as the case may be, according to the conditions of the contract of lease, save with the written consent of the lessee :

Creation of
easements
prohibited.

Provided that where a sub-lease of the lessee's real right was registered under the provisions of section 65D and the right which is proposed to be granted as hereinbefore may be exercised at any time before the expiration of the term of the sub-lease, the written consent of the sub-lessee shall also be required in addition to the written consent of the lessee.

65J. Any taxes, fees or other charges in respect of any immovable property payable by the owner thereof under the provisions of any Law or regulation in force for the time being, shall, in the case of immovable property, in respect of which a contract of lease in accordance with section 65B was registered, be borne by the lessee, and, subject to the conditions of the said lease, he shall be entitled to claim from the lessor or, where the real right thereof has been sub-leased under a sub-lease registered in accordance with the provisions of section 65D, from the sub-lessee, the return of the amount of any tax, fee or other charge paid.

Taxation
of leased
immovable
property.

65K. Any lease of immovable property or any transfer or sub-lease of a real right, as the case may be, registered in accordance with the provisions of section 65B or 65D respectively, shall, for the purposes of the Fraudulent Transfers Avoidance Law, be deemed to be a transfer of immovable property and the provisions of the said Law shall apply, *mutatis mutandis*, to

Applica-
tion of
provisions
of Cap. 62.
Cap. 62.

such lease, transfer or sub-lease and to the real right acquired by the registration thereof, as they apply to a transfer of immovable property and to such property.

Special provisions for leases of buildings under construction.

65L. In the case of a lease of a building which is under construction or intended to be constructed or in case of partition of land, the following provisions shall apply :

(1) Upon the production to the District Lands Office, within three months from the signing of the contract of lease, of a copy thereof, the same shall be entered in the prescribed manner and according to the prescribed procedure in the book specially kept for the purpose and a confirmation of such entry shall be granted to the person applying therefor.

(2) That entry shall be in force until a registration in accordance with section 65B is effected.

(3) During the time when the entry is in force, the holder of a confirmation issued to him under subsection (1) has the right to apply for the specific performance of the contract of lease in accordance with the provisions of the Sale of Land (Specific Performance) Law, which shall apply, *mutatis mutandis*, to the case of a lease entered under this section as if instead of the words "contract of sale", whenever those words appeared therein, there appeared the words "contract of lease".

Cap. 232
50 of 1970
96 of 1972.

Powers of the lessee and sub-lessee for protection and/or development of immovable property.

65M. (1) During the term of a lease of immovable property registered in accordance with the provisions of section 65B, the lessee, together with the lessor, shall have the same and concurrent powers to take any legal, administrative or other measure for the protection, improvement or development of the immovable property leased within the limits of the use which is provided for or can reasonably be implied from the contract of lease.

(2) During the term of a sub-lease of immovable property registered in accordance with the provisions of section 65D, the sub-lessee together with the lessor and the lessee shall have the same and concurrent powers to take any legal, administrative or other measure for the protection, improvement or development of the immovable property sub-leased within the limits of the use which is provided for or can reasonably be implied from the contract of sub-lease.

Regulations.

65N. (1) The Council of Ministers may make Regulations for prescribing any matter which, in accordance with the provisions of this Part, may or is required to be prescribed by Regulations for the better carrying out of the purposes of this Part.

(2) Regulations made under this section shall be laid before the House of Representatives. If within thirty days of such laying, the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid, they shall then, soon after the expiry of the period hereinbefore mentioned, be published in the official *Gazette* of the Republic. In the event of their amendment in whole or in part by the House of Representatives, such Regulations shall be published in the official *Gazette* of the Republic as so amended by the House of Representatives and they shall come into force as from such publication.

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*Note : Section 3 of the Immovable Property (Tenure, Registration and Valuation) (Amendment) Law of 1978 contains the following transitional provisions :

Transitional provisions.

3. (1) Any lease of immovable property existing on the date of the commencement of this Law may be registered, *mutatis mutandis*,

REGISTRATION OF TRUSTS

65P.—(1) No trust relating to immovable property shall be considered valid unless created by a trust deed signed by the beneficiary or by will. Trust and registration thereof.

(2) The trust deed or will, as the case may be, shall be recorded in the Register of the appropriate Lands Office.

subject to the provisions of section 65B which is inserted in the principal Law by this Law, within six months from the said date, if—

- (a) the term of such lease which has not yet expired together with the further periods or period of renewal or extension expressly provided for in the relevant contract, exceed fifteen years ;
- (b) the consent of the lessor to such registration (such term having the meaning assigned to it by subsection (2) of section 65A which is inserted in the principal Law by this Law) is produced :

Provided that where it is not possible to find the lessor or if he died and no letters of administration of his estate have been issued or if there are no administrators of his estate or they cannot be found or if it is difficult to find the heirs of a deceased lessor or the beneficiaries of the immovable property which is subject to the lease, the production of the consent mentioned in this paragraph shall not be necessary ;

- (c) it is not possible to have the authenticity of the signatures of the lessor or the lessee or both on the copy of the relevant contract certified, provided that in that case the Director is satisfied in that behalf and he may require for this purpose the production of such other evidence, including an affidavit, or the service or publication at the expense of the lessee of such notices, as the Director may in each case specify ; and
- (d) the lessor, on being notified by the Director of the latter's intention to register the lease, does not appeal against such decision in accordance with the provisions of section 80 of the principal Law, such provisions applying *mutatis mutandis*.

(2) The provisions of subsection (1) shall apply, *mutatis mutandis*, to a sub-lease of a real right acquired by the registration of a lease effected under the said subsection.

(3) Notwithstanding the provisions of section 65D which is inserted in the principal Law by this Law, the sub-lease of a real right acquired by a contract of lease of state immovable property registered under the laws repealed by section (4) or to be registered under subsection (1), may be registered under the principal Law as amended by this Law, if the term of such sub-lease exceeds three years, notwithstanding the fact that it does not exceed fifteen years.

* This Part came into operation on the 1st April, 1980 by a notification of the Council of Ministers published in Supplement III(I) (P.I. 61/80) to the official *Gazette* of the Republic.

REGISTRATION OF RESTRICTIVE COVENANTS

Interpre-
tation.

65Q. For the purposes of this Part—

“restrictive covenant” means a covenant between the owner of immovable property and the owner of other immovable property which contains any condition whereby the use or development of the first immovable property is restricted in favour of the second immovable property, but does not include a contract between a lessor and a lessee of immovable property.

Registration
of restrictive
covenants.

65R.—(1) Subject to the provisions of subsections (2) and (3), a restrictive covenant shall be registered under this section upon the application therefor by one of the owners of the immovable property affected thereby to the District Lands Office by the entry in the relevant column in the Register in respect of the immovable property charged with the restrictive covenant as well as of the immovable property in favour of which the restriction is imposed.

(2) The restrictive covenant shall specify all the immovable property affected by reference to the Lands Office plan in use and shall be signed by the owner of the immovable property which is charged with the restrictive covenant and by the owner of the immovable property in whose favour the restriction is imposed, both having capacity to contract, the signatures of both being duly certified.

(3) If the immovable property which is charged with the restrictive covenant is not registered in the name of the person who signs as the owner thereof or if that person does not have the capacity to contract, no registration shall be effected. If such immovable property is charged with a charge, the written consent of the person in whose favour the charge exists and, where such charge is a secured mortgage, then the written consent of the guarantor, must be produced so that the registration shall be effected.

Effect of
registration
of a restric-
tive
covenant.

65S. From the deposit of the relevant documents for registration of the restrictive covenant under section 65R, the same shall, in case of registration, be a charge on the immovable property as from the date of the deposit and it shall bind all heirs of that owner in favour of the owner of the immovable property in whose favour such restriction was imposed and the heirs thereof.

Termination
or amend-
ment of a
restrictive
covenant.

65T. A restrictive covenant may be terminated or amended by an order of a competent Court.

In such a case, the relevant registration of the restrictive covenant shall be cancelled or amended accordingly.

Official
Gazette.
Suppl. III:
30.8.1968.
49 of 1967
88 of 1968.

(4) Subject to the provisions of Part IV, which is inserted in the Principal Law by this Law, until Regulations are made under section 65N prescribing the matters which may or are required to be prescribed by Regulations, the respective provisions of the State Immovable Property (Registration of Leases) Regulations, 1968, shall apply to the lease and sub-lease of state immovable property as if the State Immovable Property (Registration of Leases) Laws, 1967 and 1968 have not been repealed.

65U. The provisions of this Part shall apply, *mutatis mutandis*, to any restriction on the use of immovable property imposed for the protection and benefit of the public under the town planning legislation in force for the time being.

Restrictions
under the
town
planning
legislation.

PART VII
VALUATION

2 of 2/78
22 of 16/80.

66. Any immovable property which has not been valued before the coming into operation of this Law and any immovable property coming into existence after the date of the coming into operation of this Law, may be valued in accordance with the provisions of this Part of this Law either at the instance of the Director or on the application of the registered owner thereof and upon such valuation such value shall be deemed to be the registered value of such property :

Valuation of
immovable
property
not
previously
valued.

Provided that until such immovable property is valued and the value thereof is registered in accordance with the provisions of this section, the Director may, for the purpose of imposition of taxation and lands office fees and charges under the provisions of any other laws in force for the time being, determine a provisional value thereof and enter the same in the books of the Lands Office, provided that the value to be so determined shall comply, as far as possible, with the assessed or otherwise determined value of immovable property situate in the same, neighbouring or similar area, even though, for this purpose, the value to be determined shall not comply with the definition of the word "value" in section 2 :

23 of 16/80.

Provided further that the Director may proceed to revise the provisional value so fixed where this is necessary, but without prejudice to any taxation or fees and charges imposed on the provisional value originally determined.

23 of 16/80.

67. Any immovable property valued at any time, whether before or after the coming into operation of this Law, may be revalued at any time being not less than five years from the date of the last valuation, either at the instance of the Director or on the application of the registered owner thereof :

Revaluation.

Provided that any immovable property may be revalued at a time less than five years from the last valuation if—

16 of 8/53.

- (a) since the last valuation any such immovable property has been materially reconstructed or on any land there have been erected any buildings or planted any trees or vines so as to increase substantially the value of such property or land ; or
- (b) since the last valuation any such immovable property has been destroyed or damaged to such an extent as to affect substantially its value ; or
- (c) a general valuation under section 69 of this Law has been ordered.

68. (1) Every valuation or revaluation of immovable property under this Part of this Law shall be made by a valuer or valuers appointed in that behalf by the Council of Ministers.

Valuers.

(2) Every person appointed as valuer shall, before performing any duty of his office, take an oath before a member of the Court, in the form set out in the Second Schedule to this Law.

Second
Schedule.

General valuation of immovable property. 17 of 8/53.

69. (1) Where the Council of Ministers is satisfied that, for the purposes of securing up-to-date and uniform valuation of immovable property in any town, village or quarter, a general valuation in respect of all or any specified part of such property is necessary, the Council of Ministers may order a general valuation of such property.

(2) For the purposes of this section a "general valuation" means a valuation of the immovable property mentioned in subsection (1) of this section, irrespective of whether any valuation or revaluation thereof was previously made or not and irrespective of the date at which any such valuation or revaluation was made.

Procedure on general valuation. 18 of 8/53.

70. When a general valuation in respect of all or any specified part of the immovable property in any town, village or quarter has been ordered under section 69 of this Law, the following provisions shall have effect—

- (a) the Director shall publish in the official *Gazette* of the Republic and in such other newspaper as he may deem necessary and also post up a notice, informing the public that a general valuation will be made, giving particulars of the area in respect of which the notice is given and of the date on which it shall commence, and calling on all owners therein to supply the valuer with such information, or with a return in writing containing such particulars, touching upon the immovable property to be valued, as the valuer may require, and to produce for inspection any document in their possession or under their control relating to the property which the valuer may require to be produced ;
- (b) when the valuation has been made the Director shall deposit the lists with the mukhtar of the town, village or quarter concerned and shall cause to be published in the official *Gazette* of the Republic and to be posted up a notice to the effect that the lists have been so deposited ;
- (c) any person interested in any immovable property to which such notice relates may inspect the lists at all reasonable times and the mukhtar in charge of such lists shall at all reasonable times allow any such person to make any extract therefrom or take any copy thereof free of any charge ;
- (d) the valuation made by a valuer shall be final and conclusive unless the person affected objects thereto in writing to the Director within sixty days from the date of the posting up of the notice posted up as in paragraph (b) hereof or unless the Director applies to the Court for the revision of the same as in paragraph (f) hereof provided ;
- (e) the Director shall consider every objection made to him under paragraph (d) hereof and shall give notice of his decision to the person affected ;
- (f) when the Director applies to the Court for the revision of a valuation as in paragraph (d) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.

24 of 16/80.

Procedure on valuation or revaluation of particular properties. 19 of 8/53.

71. Where valuation or revaluation is proposed to be made in respect of any particular property or properties the following provisions shall have effect—

- (a) the Director may give notice of the proposed valuation or revaluation to the person or persons affected calling upon him or them to supply the valuer with such information or with a return

in writing containing such particulars touching upon the immovable property to be valued or revalued as the valuer may require and to produce for inspection any document in his or their possession or under his or their control relating to the property which the valuer may require to be produced ;

- (b) when the valuation or revaluation has been made, the Director shall give notice thereof to the person or persons affected and such valuation or revaluation shall be final and conclusive unless the person affected objects thereto in writing to the Director within thirty days from the date of his giving such notice or unless the Director applies to the Court for the revision of the same as in paragraph (d) hereof provided ;
- (c) the Director shall consider any objection made to him under paragraph (b) hereof and shall give notice of his decision to the person affected ;
- (d) when the Director applies to the Court for the revision of a valuation or revaluation as in paragraph (b) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.

72. Notwithstanding anything in this Law contained, where immovable property is held in undivided shares the following provisions shall have effect, that is to say—

- (a) on valuation or revaluation the property shall be valued or revalued as a whole, no regard being paid to the fact that such property is held in undivided shares, and the value of any share shall be an amount bearing to the value of the whole property such ratio as that share bears to the whole ;
- (b) the whole property may be valued or revalued, in accordance with the provisions of sections 66 or 67 of this Law, respectively, on the application of any one or more of the registered co-owners thereof ;
- (c) the objection to a valuation or revaluation of the property referred to in sections 70 and 71 of this Law, respectively, may be made by any one or more of the co-owners thereof ;
- (d) where on valuation or revaluation of the whole property an objection made by any of the co-owners to the Director is sustained or an appeal from the Director's decision thereon made by any of the co-owners to the Court is allowed, the valuation or revaluation shall be varied by the Director or the Court, respectively, in respect of the whole property.

Valuation or revaluation of property held in undivided shares.
20 of 8/53.

25 of 16/80.

73. (1) Any valuation or revaluation made by a valuer shall be binding and effective for all purposes and shall be deemed to be the assessed value of the property to which it relates until revised by the Director and the decision of the Director shall similarly be binding and effective until revised by the Court and where any valuation or revaluation has been revised by the Director or the Court, any excess tax or fee paid on the basis of such valuation or revaluation before the same had been revised, shall be refunded.

Valuations to be effective until revised.

(2) Notwithstanding anything in this Law contained, until a general valuation of all immovable property in the area of any town, village

6 of 4/54*

* Came into operation on the 4th March, 1953.

or quarter is made under the provisions of this Law, there shall be adopted and registered or recorded in the books of the District Lands Office as the assessed value of any immovable property in such area hereafter valued or revalued under the provisions of section 66 or 67 of this Law, respectively, such percentage of the value thereof as the Council of Ministers may prescribe for immovable properties in such area.

Deposits by persons objecting to valuation or revaluation.

74. Any person who objects to any valuation or revaluation made by a valuer or to any decision thereon by the Director shall, together with his objection, lodge with the Director a fee at the rate of one per centum on the difference between the valuation or revaluation objected to and the valuation or revaluation claimed by the objector to be the correct one and neither the Director nor the Court, as the case may be, shall proceed to hear the objection unless such deposit has been made ; if the objection is sustained the Director shall refund such deposit or a part thereof proportionate to the amount by which the objection was successful.

PART VIII MISCELLANEOUS

2 of 2/78
22 of 16/80.

Notices.

75. (1) Any notice or communication required to be given or made by the Director under the provisions of this Law may be given or made through the post by letter addressed to the last known place of residence of the person for whom the notice or communication is intended : Provided that whenever practical the notice or communication shall be given or made by registered letter :

Provided also that where any person to whom a notice or communication is required to be given or made is—

- (a) an infant, mental patient or is prohibited by a competent Court from the management of his affairs the notice or communication shall be addressed to the last known place of residence of his guardian or if he has no guardian to such person as the Court, upon application of the Director in that behalf, may direct ;
- (b) absent from the Republic, in addition to a letter addressed to his last known place of residence in the Republic, there shall be posted up a copy thereof in the town or village in which the property is situate.

(2) The letter shall—

- (a) if the mother tongue of the person to whom it is addressed is Greek, be in Greek ;
- (b) if the mother tongue of the person to whom it is addressed is Turkish, be in Turkish ;
- (c) in every other case, be in English.

(3) The date of the posting of the letter shall be deemed to be the date on which the notice or communication is given or made and a certificate by the person posting such letter stating the date on which the same was posted shall be deemed to be *prima facie* evidence of such posting.

(4) Where any notice is required to be posted up under the provisions of this Law—

- (a) if the property affected is situate in any town, the notice shall be posted upon the notice board of the District Lands Office in such town ;

(b) if the property affected is situate in any village, the notice shall be posted up in a conspicuous place in the village,

and a certificate by the person posting up such notice, stating the date on which the same was posted up, shall be deemed to be *prima facie* evidence of such posting up.

(5) With the permission of the Director, either generally or in relation to notices and communications under a particular section of this Law, the provisions of this section shall apply, *mutatis mutandis*, with respect to notices or communications required to be given under the provisions of this Law by persons other than the Director, provided that—

- (a) every such notice or communication sent by post shall be sent by registered post and, if the Director so requires, shall be accompanied by a request for giving proof of the receipt thereof by the person to whom it is addressed and, in any case, every relevant postal receipt shall be produced to the Director ;
- (b) a declaration upon oath by the person posting up such notice or a certificate issued by the village authority of the town, village or quarter where the notice was posted up shall be produced to the Director as *prima facie* evidence of the posting up of any such notice.

76. Whenever any compensation has to be paid or any other payment made under the provisions of this Law—

- (a) to or for the benefit of an infant, mental patient or a person who is prohibited by a competent Court from the management of his affairs, the same shall be paid or made to his guardian ;
- (b) to or for the benefit of a person absent from the Republic, the same shall be paid or made to his duly appointed representative or agent :

Provided that in either case the compensation may be paid or the payment made into the Court, and paid out to such person as the Court may direct, on application made in that behalf.

77. Whenever in this Law it is provided that the owner of immovable property shall receive or give notice or make any application or do any act, the same may be received, given, made or done by his duly appointed representative or agent, unless the context shall otherwise specify or require.

78. With the object of exercising the powers conferred and performing the duties imposed upon him by this Law, the Director or any valuer shall have power at all reasonable times, to enter on, measure, survey, perambulate or value any immovable property and place such land marks thereon as he may think fit.

79. (1) Any person who wilfully obstructs the Director or any valuer in the exercise of his powers or performance of his duties under this Law shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding three hundred pounds or to both such imprisonment and fine.

(2) Any person who wilfully refuses or fails without reasonable excuse to supply the valuer with the information or the written return referred to in sections 70 or 71 of this Law, respectively, within ten days from the date on which the valuer has required him to do so, shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds.

Compensation to infants, etc.

Agent to represent owner.

Power of entry, etc., to the Director or valuer.
21 of 8/53.

Offences.
21 of 8/53.

3(a) of 4/74.

3(b) of 4/74.

26 of 16/80.

(3) Any person who knowingly makes a false statement in any information or return supplied by him under the provisions of section 70 or 71 of this Law, respectively, shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding three hundred pounds or to both such imprisonment and fine.

3(a) of 4/74.

(4) Any person who prepares or authorizes the preparation of any false instrument or document, or falsifies any instrument or document in his possession or under his control and produces such false or falsified instrument or document to the Director or valuer when required to do so under the provisions of sections 60, 70 or 71 of this Law, shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such imprisonment and fine.

3(a) of 4/74.

Appeals from decisions of Director.

80. Any person aggrieved by any order, notice or decision of the Director made, given or taken under the provisions of this Law may, within thirty days from the date of the communication to him of such order, notice or decision, appeal to the Court and the Court may make such order thereon as may be just but, save by way of appeal as provided in this section, no Court shall entertain any action or proceeding on any matter in respect of which the Director is empowered to act under the provisions of this Law:

22 of 8/53.

Provided that the Court may, if satisfied that owing to the absence from the Republic, sickness or other reasonable cause the person aggrieved was prevented from appealing within the period of thirty days, extend the time within which an appeal may be made under such terms and conditions as it may think fit.

Decision of Court when final.

81*. When an appeal is made to the Court as in section 80 of this Law provided, the order of the Court shall be final and conclusive and no appeal shall lie therefrom save where a question of personal status is involved or where the amount in dispute exceeds twenty-five pounds:

7 of 4/54.

Provided that any person, including the Director, aggrieved by any order of the Court on any appeal under section 80 of this Law, may appeal therefrom to the Supreme Court on any point of law.

Village authorities and certificates.

82. (1) Every certificate of any village authority required by any law or custom to be produced to the District Lands Office as evidence of any fact relating to any matter affecting any immovable property shall be signed and sealed by the mukhtar and be signed also by not less than two azas of the quarter or village in which the property is situate :

2 of 78/65.

Provided that where production of a certificate of the village authority of the quarter or village in which the property is situate is impossible or impracticable, the Director may instead thereof accept the certificate of any other village authority prepared as in this subsection provided.

(2) The signature, seal or mark of any person to any document required to be furnished or produced to the District Lands Office in connection with any immovable property may be certified by the mukhtar and one aza of any town, village or quarter and such certification shall be effected by inscribing on the document a certificate in one of the forms A or B set

* Section 81 should be read and interpreted together with the provisions of article 155 of the Constitution and the provisions of section 25 of the Courts of Justice Law.

out in the Third Schedule to this Law or to the like effect and by affixing thereto the signature and seal of the mukhtar and the signature of the aza : Third Schedule.

Provided that no mukhtar or aza shall certify any signature, seal or mark unless—

- (a) such signature, seal or mark is affixed to the document in his presence or is declared to him by the person who had affixed the same that the signature, seal or mark is his and had been affixed by him ; and
- (b) the person signing, sealing or marking the document is personally known to him or his identity is attested by two persons personally known to him which persons shall sign the document as witnesses to the signature, seal or mark of the principal party.

(3) Where the facts to be certified are not within the personal knowledge of the mukhtar or aza required to certify the same, but the certificate is based on information and statements of third parties, the mukhtar and aza shall so word the certificate as to make it clear on the face of the certificate that the certificate is so based on information and shall name the informants and he shall not certify it unless he is satisfied that such informants are to his best knowledge and belief reliable persons.

83. The fees set out in the Fourth Schedule to this Law shall be payable to mukhtars and azas in respect of the several matters therein set out :

Fees by village authorities. Fourth Schedule.

Provided that no fee shall be payable in respect of a certification of any matter which in the opinion of the Director could have been included in a certificate for which fees have already been paid.

84. Every mukhtar and every aza upon his appointment shall furnish a copy of his signature to the District Lands Office of the district.

Specimen signatures of mukhtars and azas.

85. The Supreme Court may make Rules of Court for any matter or proceeding had or taken before any Court under the provisions of this Law :

Rules of Court.

Provided that until such Rules are made such matters and proceedings shall be regulated in accordance with the Rules of Court in force for the time being.

FIRST SCHEDULE.

(Section 33 (4).)

REGULATIONS.

1. In these Regulations—

“acquiring party” means the registered owner or co-owners of property seeking to acquire compulsorily the property of another person under the provisions of section 33 ;

“interested party” includes the acquiring party, the party whose property is to be acquired, and any person having a charge on such property in the books of the District Lands Office ;

“property to be acquired” means the property which it is sought to acquire compulsorily under the provisions of section 33.

2. The acquiring party shall serve a notice on the owner of the property to be acquired, notifying him of the intended acquisition and giving full description of his own property and of the property to be acquired.

23(a) of
8/53.

3. The acquiring party shall, within sixty days after service of the notice mentioned in Regulation 2 furnish the District Lands Office with proof of service and apply that the value of the property to be acquired be estimated and pay the appropriate fees.

23(b) of
8/53.

4. If the owner of the property to be acquired wishes to dispute the right of the acquiring party to acquire his property, he may, within sixty days after service of the notice mentioned in Regulation 2, upon payment of the appropriate fees, apply to the District Lands Office that the value of the registered property of the acquiring party on which such party relies be estimated ; and if he does not so apply within that period, he shall be deemed to admit such right.

5. Before the Director proceeds to estimate any property he shall give not less than seven days' notice to the mukhtar or mukhtars who are to assist him in making his estimate and to the interested parties, notifying them of the date on which he proposes to inspect the property.

23(c) of
8/53.

6. After the lapse of thirty but before the lapse of sixty days from the date of the notice mentioned in subsection (3) of section 33 the acquiring party may pay the value estimated by the Director to the owner of the property to be acquired or lodge the same in the District Lands Office for payment to the owner and upon proof that such value has been so paid or lodged and, unless notice has been given to the Director under Regulation 7, the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees :

Provided that where the property to be acquired is charged with the payment of any money, its estimated value shall be lodged in the District Lands Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgment, any balance being paid to the owner of the property acquired.

7. Where an application is made to the Court to vary the Director's estimate, the applicant shall forthwith give notice thereof, and shall deliver to the District Lands Office a copy of his application ; otherwise the District Lands Office may proceed to act as if no such application had been made and shall not be responsible for anything done in good faith before the delivery of such copy.

23(d) of
8/53.

8. Where an application is made to the Court to vary the Director's estimate, the acquiring party may, within sixty days from the date of the order of the Court or from the date on which the application to the Court is withdrawn, as the case may be, pay the value stated in the order or estimated by the Director to the owner of the property to be acquired or lodge the same in the District Lands Office for payment to the owner ; and upon production to the District Lands Office of a certified copy of the order or proof that the application to the Court has been withdrawn, as the case may be, and upon proof that the value has been so paid or lodged, the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees :

Provided that where the property to be acquired is charged with the payment of any money, its value shall be lodged in the District Lands Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgment, any balance being paid to the owner of the property acquired.

9. After the acquiring party has applied to the District Lands Office, as provided in Regulation 3, that the value of the property to be acquired be estimated, no dealing affecting such property shall be permitted in the District Lands Office, unless the sixty days' time provided by Regulations 6 and 8 has elapsed and the acquiring party has failed to pay the value of the property to the owner thereof or lodge the same in the District Lands Office, as in the said regulations provided.

SECOND SCHEDULE.

(Section 68.)

OATH BY VALUER.

I, _____ of _____, do solemnly swear that I shall faithfully and honestly and to the best of my skill and ability make any valuation required of me under the provisions of the Immovable Property (Tenure, Registration and Valuation) Law, Cap. 224.

Sworn this _____ day of _____, _____.

THIRD SCHEDULE.

(Section 82).

CERTIFICATIONS.

Form A.

Signed (sealed or marked) this day in our presence by A.B. who is personally known to us ; or

Declared to us by A.B. who is personally known to us that the above signature (seal or mark) is his own.

In testimony whereof we hereto set our hands and seal this _____ day of _____, _____.

[L.S.]

(Sd.) Mukhtar.

(Sd.) Aza.

Form B.

Signed (sealed or marked) this day by A.B. in our presence and the presence of C.D. and E.F. who are respectively personally known to us and who have declared to us that they personally know A.B. and identified him to us.

Or,

Declared to us this day by A.B. in the presence of C.D. and E.F., who are respectively personally known to us and who have declared to us that they personally know A.B., that the above signature is his own.

In testimony whereof we hereto set our hands and seal, this day of _____, _____.

(Sd.) C.D. and E.F.

[L.S.]

(Sd.) Mukhtar.

(Sd.) Aza.

FOURTH SCHEDULE

(Section 83.)

FEEs.

(a) to Mukhtars.

1. Upon certifying any signature, seal, or mark 100 mils
2. Upon issuing, signing and sealing a certificate of facts relating to the occupation or possession of immovable property irrespectively of the number of the plots concerned—
 - (i) without inspection of the property 200 mils
 - (ii) where inspection is necessary and has been made by the mukhtar, the sum of 100 mils together with payment in respect of the time occupied by the inspection at the rate of £1 for a day or 500 mils for half a day or less.
3. Upon issuing and sealing a certificate of facts relating to the death of any owner or occupier of immovable property or as to the heirs left by him 200 mils
4. Upon preparing, signing and sealing a certificate of partition of property assented to by persons co-interested—
 - (i) where the mukhtar has not attended the partition, the sum of 200 mils with an additional charge of 25 mils in respect of each piece of property partitioned in excess of nine pieces ;
 - (ii) where the mukhtar has attended the partition, the sum of 200 mils together with payment in respect of the time occupied by the inspection at the rate of £1 for a day or 500 mils for half a day or less.
5. All certificates not otherwise specified, irrespectively of the number of the plots concerned 200 mils

(b) to Azas.

Upon certifying any signature, seal or mark 50 mils

The following enactments were repealed by this Law:

Enactments	Extent of Repeal
1. The Ottoman Laws referred to in items (1) to (13), both inclusive, and (15) to (38), both inclusive, in the Fourth Schedule to the Courts of Justice Laws, 1935 to 1943.	1. The whole, including such parts as have not been previously repealed.
2. The Mejellé.	2. Articles 1 to 100, both inclusive, in so far as they are repugnant to or inconsistent with the provisions of this Law. Articles 1045 to 1191, both inclusive, in so far as they relate to immovable property. Articles 1224 to 1328, both inclusive.
3. The Immovable Property Registration and Valuation Laws, 1907 to 1943.	3. The whole.
4. The Immovable Property Limitation Law, 1886.	4. The whole.
5. The Village Authorities (Fees Regulation) Order, 1943.	5. First Schedule paragraph B. Second Schedule paragraph A.

Memorandum

1. Section 24 of the principal Law expired on the 31st December 1980 by virtue of subsection (6) thereof.

However as it may still be of practical importance, it is set out hereunder:

"Option where trees and land belong to different persons.

24. (1) Subject to the provisions of section 26 of this Law, when any trees, vines or other thing or any buildings or other erections or structures are planted, grow or are erected, upon any land belonging to a person other than the owner of any such trees, vines, thing, building, erection or structure and either of the said owners has made a declaration before the District Lands Office that he has agreed to sell his interest to a third party, the transfer of the interest shall not be registered unless—

10(a) of 16/80.

(a) within sixty days from the date of the declaration of sale the owner selling his interest satisfies the Director that the other owner does not wish to purchase such interest at the price at which it is being sold ; or

7(a) of 8/53.
10(b) of 16/80.

(b) the prospective purchaser advertises the proposed sale thereof or brings it to the knowledge of the other owner as in subsection (2) of this section provided within sixty days from the date of the declaration of sale and the other owner does not acquire the same under this section.

7(b) of 8/53.

(2) The proposed sale shall be advertised in such form and in such newspaper or newspapers as the Director may require, or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require, and the owner of the other interest may, upon lodging in the District Lands Office, within thirty days of the advertisement or the service of the notice, the price at which the vendor's interest is being sold together with the registration fee, be registered for the same ; and the amount so lodged shall thereupon be paid out to the party who joined in the declaration of sale as purchaser :

7(c) of 8/53.

2(a) of 4/54.

Provided that where such other interest is owned in undivided shares and two or more of the co-owners thereof act as hereinbefore provided independently of one another, the Director shall register the vendor's interest in the name of such co-owners as have so acted in the proportion which their shares bear to one another ; and he shall, thereafter, make the appropriate re-adjustments and refunds of the amounts lodged to the persons entitled thereto :

Provided further that where there are separately owned interests in immovable property standing on any land declared to be sold and two or more of the owners of such separately owned interests act as hereinbefore mentioned independently of one another, the Director shall cause the value of the interests of the owners who have so acted to be estimated and shall register the vendor's land in the name of the owner whose interest is of the greatest value and, where the interests of two or more owners who have so acted are equally of the greatest value or the interests of all such owners are of equal value, he

shall register the vendor's land in the name of such owners in equal shares ; and he shall, thereafter, make the appropriate readjustments and refunds of the amounts lodged to the persons entitled thereto.

- 10(c) of 16/80. (3) If the action required under paragraph (a) or paragraph (b) of subsection (1), as the case may be, is not taken and proof thereof is not produced to the Director within the period of sixty days from the date of the declaration of sale provided therein, the declaration shall be cancelled by the Director and it shall be deemed not to have been made, and notice of its cancellation shall be given by the Director to the vendor and to the proposed purchaser appearing in the declaration.
- 2(b) of 4/54. 10(c) of 16/80. (4) Before registering the transfer of any interest declared to be sold, the Director may require the person selling such interest and the prospective purchaser thereof to declare in writing whether any other interest belonging to a third party is connected with the interest agreed to be sold ; and any person who knowingly and with fraudulent intent makes or causes to be made any false statement in such declaration shall be punishable in the same way as though he had given false evidence in any judicial proceeding.
- 7(d) of 8/53. 10(c) of 16/80. (5) For the purposes of this section, "land" includes any trees, vines or other thing or any buildings or other erections or structures, planted, growing or erected upon any land and belonging to the owner of such land :
- 10(d) of 16/80. "other owner", "owner of the other interest" and any other related expression means a person who was the owner of that other interest on the date and time on which the declaration of sale referred to in subsection (1) was made.
- 10(e) of 16/80. (6) This section shall continue to be in force until the 31st December 1980, when it shall expire, without prejudice to anything done or omitted to be done thereunder".

2. Section 27 of the Immovable Property (Tenure, Registration and Valuation) (Amendment) Law 1980 contained the following transitional provisions :

- "Transitional provisions. 27. The following provisions shall apply to every sale declared before the commencement of this Law, with respect to which the provisions of section 24 or section 25, as the case may be, as they were before their amendment by this Law, applied :
- (a) If the action required under paragraph (a) or paragraph (b) of subsection (1) of the relative section, as the case may be, is not taken and proof thereof is not produced to the Director within sixty days from the coming into operation of this Law, the Director shall proceed to the publication of the notice provided under paragraph (b) of subsection (1) of the relative section as in subsection (2) of the relative section provided.
- (b) In case of publication of a notice either by the person appearing as the purchaser in the declaration of sale or by the Director as in paragraph (a), if within the period of thirty days provided in that notice, the right, conferred by the relative section, to acquire the immovable pro-

perty declared as being sold is exercised, the Director shall notify the fact to the person appearing in the declaration as the prospective purchaser and if he does not act within thirty days from the date of such notice as in paragraph (c) provided, the Director shall, upon the expiry of that period, register the immovable property in the name of the person who exercised the right to acquire the same and he shall pay the amount so lodged by the said person to the person appearing in the declaration of sale as the prospective purchaser, after deducting therefrom the expenses of the publication of the notice made by him.

- (c) If within thirty days from the notice thereto provided under paragraph (b), the person appearing in the declaration as the prospective purchaser believes that by reason of the increase in the value of the immovable property in question which occurred after the date of the declaration of sale or since the date of the agreement to sell or by reason of improvements carried out by him thereon, the purchase price declared does not represent the value of the immovable property on the date of the advertisement under paragraph (a), he shall submit an objection to the Director stating the value of the immovable property which should, in his opinion, be paid by the person who exercised the right to acquire the same. The Director shall notify the objection of the person appearing as the prospective purchaser in the declaration of transfer to the person who exercised the right to acquire the same and thereafter :
- (i) the person who exercised the right to acquire the immovable property may, within thirty days from the date of the notice of the Director provided under this paragraph, lodge at the District Lands Office any part of the value demanded or any value which may be agreed upon between himself and the prospective purchaser which may exceed the amount originally lodged by him, or
 - (ii) apply to the Court for the determination of the value payable ;
 - (iii) if within the period of thirty days provided under paragraph (i), the person exercising the right to acquire the immovable property fails to lodge in the District Lands Office the value demanded by the prospective purchaser or any other value agreed between themselves, or if he does not notify the District Lands Office of any application to the Court for the determination of the value payable, he shall lose the right to acquire the immovable property, the amount originally lodged by him at the District Lands Office shall be returned and the immovable property shall be registered in the name of the person appearing as the prospective purchaser in the declaration, charged with the expenses, if any, of the advertisement of a notice by the Director as in paragraph (a), as if such expenses were fees or

Cap. 219.
10 of 1965
81 of 1970
61 of 1973
31 of 1976
66 of 1979.

charges and the provisions of section 5 of the Department of Lands and Surveys (Fees and Charges) Law shall apply.

The immovable property shall also be registered in the name of the person appearing in the declaration as the prospective purchaser, charged with the expenses, if any, of the advertisement of a notice by the Director if the right conferred by the respective section is not exercised after an advertisement in accordance with paragraph (a) above."