



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREA GAZETTE**  
**No. 65 of 17th JUNE, 1963.**  
**LEGISLATION.**

ORDINANCE 12 OF 1963.

**AN ORDINANCE**  
**TO AMEND THE LAND ACQUISITION ORDINANCE.**

DENIS BARNETT,  
ADMINISTRATOR.

*14th June, 1963.*

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

**1.** This Ordinance may be cited as the Land Acquisition (Amendment) Ordinance, 1963, and shall be read as one with the Land Acquisition Ordinance (hereinafter referred to as "the principal Ordinance").

Short title.

Cap. 226  
(Laws of  
Cyprus).

**2.** Section 2 of the principal Ordinance is hereby amended:

Section 2 of  
the principal  
Ordinance  
amended.

(i) by inserting at the end of paragraph (e) in the definition of "land" therein the following additional words:—

"And for the purpose of this paragraph the expression "privileges" shall include any right in respect of any Crown land granted or acceded to by the Government of the former Colony before 16th August, 1960 (other than by licence revocable at will under the provisions of any Ordinance or otherwise) to any person or community by or under any contract, contract by record, deed or other instrument whatsoever;"

(ii) by inserting immediately after paragraph (f) in the said definition the following new paragraph (g):—

“(g) any land by law or custom held or enjoyed communally by any town, village or quarter notwithstanding anything in sections 2 or 19 of the Immovable Property (Tenure, Registration and Valuation) Ordinance; and accordingly the inhabitants of any such town, village or quarter shall be deemed to be the “owners” of such land for the purpose of this Ordinance;”.

3. The principal Ordinance is hereby amended by inserting immediately after Section 7 thereof the following new section, to be numbered 7A:-

New Section  
7A added to  
the principal  
Ordinance.

“Revocation and  
abandonment of  
acquisition.

7A.—(1) At any time after the publication of a notice as provided in sub-section (1) of Section 6 of this Ordinance and before the acquisition is sanctioned, the Area Officer may, by publication in the Gazette, revoke such notice either generally or in respect of any particular land or part of land referred to therein; and thereupon all proceedings consequential to such notice shall abate and the acquisition shall be deemed to have been abandoned either generally or in respect of such particular land or part of land, as the case may be.

(2) Where no sanction of the acquisition of any land referred to in any notice published under the provisions of sub-section (1) of Section 6 of this Ordinance is notified under the provisions of sub-section (1) of Section 7 of the said Ordinance within twelve months of the date of the publication of such notice in the Gazette, all proceedings consequential to such notice shall abate and the acquisition shall be deemed to have been abandoned in respect of such land or part of land, as the case may be.

(3) Where the acquisition of any land or any part of any land is deemed to have been abandoned under the provisions of sub-section (1) or sub-section (2) of this section, the Acquiring Authority shall pay to any person interested in such land any costs or expenses reasonably incurred by such person, and shall compensate him for any loss he has suffered since the publication of the said notice under the provisions of sub-section (1) of Section 6 of this Ordinance and in consequence of such notice; and in the event of any dispute as to the amount to be paid as aforesaid, such amount shall be determined by the Tribunal”.

4. Section 10 of the principal Ordinance is hereby amended:-

Section 10 of  
the principal  
Ordinance  
amended.

- (i) by deleting paragraphs (e) and (f) thereof and substituting therefor the following two new paragraphs:-

“(e) where part only of the land belonging to any person is acquired under this Ordinance, the Tribunal shall take into consideration any increase or decrease in the value of other land held by that person together with the part so acquired by reason of the proximity of any improvements or works made or constructed, or to be made or constructed, by the Acquiring Authority;

(f) the Tribunal shall also have regard to the damage, if any, to be sustained by the owner by reason of the severance of the land acquired for public purposes from other land held by such owner together with the land so acquired or other injurious effect on such other land by the exercise of the powers conferred by this Ordinance.”;

- (ii) by inserting immediately after paragraph (g) thereof the following new paragraphs, to be lettered (h), (i) and (j) respectively:-

“(h) where the value of the land is increased by reason of the use thereof in a manner which could be restrained by any Court, or is contrary to law or is detrimental to the health of the occupiers or to the public health, the amount of the increase shall not be taken into account;

(i) where, at the date of the publication of a notice as provided in sub-section (1) of Section 6 of this Ordinance, the land referred to therein was, and but for the acquisition would continue to be, used for the carrying on of any business, trade, profession or vocation, account shall be taken of the loss, if any, directly sustained by any person interested by reason of his being dispossessed of the land under this Ordinance;

(j) the provisions of paragraph (b) of this section shall not affect the assessment of compensation for any other matter not directly based on the value of the land acquired.”.

Section 12 of  
the principal  
Ordinance  
amended.

5. Section 12 of the principal Ordinance is hereby amended by deleting therefrom the second paragraph thereof and the two provisos thereto.

New Section  
12A added to  
principal  
Ordinance.

6. The principal Ordinance is hereby amended by inserting immediately after Section 12 thereof the following new section, to be numbered 12A:-

“Persons entitled  
to compensation.

12A.—(1) The person entitled to the payment of compensation in respect of any land acquired under the provisions of this Ordinance is the owner of such land (which expression shall, in relation to any land, include the person entitled to be registered as the owner thereof):

Provided that—

- (a) where any land in respect of which compensation is payable under this Ordinance is pledged or charged with the payment of any sum secured by a mortgage, registration of judgment or any other encumbrance or charge under the provisions of any Ordinance in force for the time being, there shall be paid to the respective pledgee, mortgagee, judgment creditor or other person in whose favour such encumbrance or charge operates, as the case may be, the whole or such portion of the compensation payable as shall be sufficient to satisfy, in whole or in part, the sum due thereunder, according to the respective priority of such pledge, mortgage, registration of judgment or other encumbrance or charge;
- (b) where any land in respect of which compensation is payable under this Ordinance is under any lease, tenancy, hiring or hire-purchase agreement, there shall be paid to the lessee, tenant, hirer or hire-purchaser such portion of the compensation payable as shall be sufficient to compensate him for the termination of his lease, tenancy, hiring or hire-purchase agreement, as the case may be.

(2) Notwithstanding anything in sub-section (1) contained, compensation may also be paid to any person establishing, by virtue of an order of a competent Court of the Areas or of the Republic, a right or interest in the land in respect of which such compensation is payable.

(3) In the event of any dispute as to the person entitled to the payment of the whole or any portion of the compensation in respect of any land acquired under the provisions of this Ordinance, or as to the amount to which such person may be entitled, such dispute shall be determined by the Judge's Court on the application of the Acquiring Authority or of any of the persons interested in such land.

(4) If any person refuses to accept any sum ordered to be paid to him under the provisions of this Ordinance, or if on account of his disability or absence from the Island of Cyprus the payment of such compensation to him cannot be effected, the Acquiring Authority may pay the sum into the Court of the Areas.

(5) In making any payment under this section the Acquiring Authority shall make deductions, from the amount payable, of any tax, rate, duty, fee or other similar charge in respect of the property acquired and shall pay the amount so deducted to the authority to whom such tax, rate, duty, fee or other similar charge is due."

7. The principal Ordinance is hereby amended by repealing Section 13 thereof and substituting therefor the following new section:-

"Disposal of immovable property acquired.

13.—(1) Where any land has been acquired and, within three years of the date on which such land has vested in the Acquiring Authority, the purpose for which it has been so acquired is not attained, or the attaining of such purpose is abandoned by the Acquiring Authority, or the whole or any part of such land is found by the Acquiring Authority to be in excess of its actual requirements, the following provisions shall have effect, that is to say—

- (a) the Acquiring Authority shall, by a notice in writing, offer such land, at the price at which it has been acquired, to the person from whom such land has been acquired, or, if dead, to his legal personal representatives or heirs who shall, within three months of the giving of such notice, by a notice in writing addressed to the Acquiring Authority, signify acceptance or non-acceptance of the offer; and if no reply to the offer is given within the period aforesaid, such offer shall be deemed not to have been accepted:

Provided that, where, during the period

Section 13 of the principal Ordinance repealed and replaced.

of the occupation of any land for the purpose for which it has been acquired under the provisions of this Ordinance, there has been any addition to, or deduction from, such land or any other alteration thereof, or where only a part of any land acquired under the provisions of this Ordinance is offered by the Acquiring Authority under the provisions of this section, a reasonable price therefor shall be fixed by the Acquiring Authority and indicated in the notice hereinbefore mentioned; and the person to whom such notice has been given may, in his notice signifying acceptance of the offer of the land, dispute the price therefor fixed and indicated as aforesaid, whereupon the price shall, in default of agreement, be determined by the Tribunal;

- (b) where the person to whom a notice under paragraph (a) of this sub-section has been given has signified acceptance of the offer referred to therein as aforesaid, such person shall, within a further period of three months of such signification of acceptance or, in the circumstances envisaged in the proviso to the said paragraph (a), within a period of three months of the date on which the price at which the land shall be returned to him is agreed between him and the Acquiring Authority or determined by the Tribunal, as the case may be, pay to the Acquiring Authority the price due for the return of the land aforesaid; and the Acquiring Authority shall, thereupon, promptly cause ownership of the land to be transferred to him.

(2) In any of the following circumstances, that is to say—

- (a) where a person to whom a notice under paragraph (a) of sub-section (1) of this section has been given does not accept the offer of any land referred to therein; or
- (b) where a person who has accepted the offer of any land as in paragraph (a) of sub-section (1) of this section fails to pay the price within the period specified in paragraph (b) of the said sub-section; or

- (c) where the whole or any part of any land acquired under this Ordinance is, at any time after the attainment of the purpose for which it has been so acquired, considered by the Acquiring Authority to be no longer required for such purpose,

the Acquiring Authority shall sell such property by public auction.

- (3) The provisions of sub-sections (1) and (2) of this section shall not apply to any land or part thereof which is required for another undertaking of public utility in respect of which a notification has been published in the Gazette under the provisions of this Ordinance, in which case such land may be retained for the purposes of such other undertaking.”.

8. The principal Ordinance is hereby amended by inserting immediately after section 13 thereof the following new section, to be numbered 13A:-

New Section 13A added to principal Ordinance.

“Special provisions where property held communally is acquired.

13A.—(1) In relation to the acquisition under this Ordinance of any land held or enjoyed as mentioned in section 2(g) of this Ordinance, the Administrator shall take such steps as he may deem fit to select, as may from time to time be necessary, from among the owners of the land one or more persons whom he is satisfied represent the interests of the owners and who shall be treated as representing the owners for the purposes of this Ordinance.

(2) The Administrator shall publish by notice in the Gazette the names of the person or persons so selected who shall be treated as representing the owners for all the purposes of this Ordinance or for such of those purposes as may be specified in the Notice.”.

9. The principal Ordinance is hereby amended by repealing Section 14 thereof.

Section 14 of the principal Ordinance repealed.

10. The principal Ordinance is hereby amended by inserting immediately after Section 16 thereof the following new sections, to be numbered 17 and 18 respectively:—

New Sections 17 and 18 added to the principal Ordinance.

“Preservation of property, offences and penalties.

17.—(1) No land referred to in a notice published under the provisions of sub-section (1) of Section 6 of this Ordinance shall be destroyed or damaged at any time between the publication of such notice and the completion or the abandonment of the acquisition to which the notice relates, as the case may be.

(2) Any person who acts, or allows any other person to act, in contravention of the provisions of sub-section (1) of this section shall be guilty of an offence under this Ordinance and shall, on conviction, be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Proceedings not  
invalidated by  
alienation etc.

18. Where any land to which a notice published under the provisions of sub-section (1) of Section 6 of this Ordinance relates is, at any time after the publication of such notice, alienated, leased, attached or charged with the payment of any sum, the alienation, lease, attachment or charge aforesaid shall not operate to extend any period prescribed by this Ordinance or specified in any notice given thereunder or to invalidate or delay the relative compulsory acquisition proceedings or any proceedings that may have been taken under this Ordinance."

Transitional  
provisions.

**11.—(1)** Where compulsory proceedings in respect of any land have been taken before the date of the coming into operation of this Ordinance under the provisions of the principal Ordinance, the following provisions shall apply, that is to say—

- (a) if the acquisition has not been sanctioned, the provisions of this Ordinance relating to the assessment of compensation shall apply to such acquisition, except that the period of twelve months referred to in sub-section (2) of Section 7A of this Ordinance shall be deemed to commence on the date of the coming into operation of this Ordinance;
- (b) if the acquisition has been sanctioned and the land has vested in the Acquiring Authority but the compensation therefor has not yet been agreed upon or determined, the assessment of such compensation shall be made in accordance with the rules of assessment provided in the principal Ordinance, as if this Ordinance had not been enacted.

(2) Any land acquired before the coming into operation of this Ordinance, under the provisions of legislation then in force, and later found to be in excess of the extent actually required, or found to be no longer required, may be disposed of as provided in the principal Ordinance, as if this Ordinance had not been enacted.

I.M.G. WILLIAMS,

*Chief Officer.*

*14th June, 1963.*