



SUPPLEMENT No. 2
T O
THE SOVEREIGN BASE AREAS GAZETTE
No. 575 of 13th November, 1980.
L E G I S L A T I O N

ORDINANCE 17 OF 1980.

AN ORDINANCE

TO PROVIDE FOR THE IMPOSITION OF
TAXATION ON IMMOVABLE PROPERTY IN THE AREAS.

R. L. DAVIS,
ADMINISTRATOR

11th November, 1980.

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 Immovable Property (Taxation) Ordinance, 1980. Short title.
2. In this Ordinance unless the context otherwise requires— Interpretation.
“immovable property” includes—
 - (a) land ;
 - (b) building 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 ;
 - (d) springs, wells, boreholes, 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 ;

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

“tax” means the tax levied under this Ordinance ;

“year” means a year commencing on the first day of January and ending on the 31st day of December.

Imposition
of tax.

3.—(1) Notwithstanding anything in any other Ordinance contained and subject to the provisions of this Ordinance, there shall be levied and paid annually a tax on all immovable property within the Areas at the rate of one and a half per thousand ($1\frac{1}{2}/00$) on the value of such property.

(2) Notwithstanding the provisions of subsection (1) of this Section of the Ordinance, where the amount of tax leviable on any individual person does not exceed £37.500 mils, such tax shall not be payable and in calculating the amount of tax leviable on any individual person the first £37.500 shall be ignored.

Obligations
of owner.

4. Every owner shall be liable to pay a tax in relation to all his immovable property.

Fiscal Officer
to assess tax.

5.—(1) The Fiscal Officer shall assess the tax, to which any person may be liable in relation to his immovable property, immediately after the expiration of the period fixed for the making by such person of the declaration required of him under the provisions of this Ordinance, whether such person has made a declaration or not.

(2) Where any person has made a declaration but has not paid the tax, the Fiscal Officer may temporarily assess the tax payable by such person in accordance with his own declaration and thereafter assess the value of his immovable property and tax such person accordingly.

(3) Where a person has not made a declaration and the Fiscal Officer considers that such person is liable to a tax, he may assess the value of his immovable property and impose a tax on him accordingly and in any such case the tax shall be payable on the 30th September of the year to which such taxation relates irrespective of the time when the assessment was made.

Value of
immovable
property.

6. The value of the immovable property shall be deemed to be the amount which in the opinion of the Fiscal Officer such property might be expected to realise if sold by a willing seller in its then condition in the open market and no allowance shall be made because the valuation was based on the assumption that the whole property would be offered for sale at the same time :

Provided that whenever as a result of a sale in the open market of any immovable property the valuation of such property is proved to be erroneous, the Fiscal Officer may review the valuation taking into account the actual price at which such property was sold.

7.—(1) Every owner liable to a tax shall before the 30th November, 1980 submit to the Fiscal Officer a declaration showing his immovable property as at 1st January, 1980 as well as its value on that date and a tax shall be payable in accordance with that declaration :

Declaration of property and payment of tax.

Provided that if in the course of any year the person liable to the tax has acquired any new immovable property or has added to or subtracted from any existing property he shall before the 30th September in the year following such acquisition, addition or subtraction, make a declaration or revised declaration.

(2) The declaration required under subsection (1) of this Section of the Ordinance shall be made in a form to be prescribed by the Fiscal Officer.

8. If at any time it appears to the owner or any other person liable to a tax that in any declaration provided by him there is an error because—

Supplementary declaration in case of error.

(a) any immovable property has been omitted therefrom ; or

(b) any immovable property has been under valued therein,

he shall forthwith provide to the Fiscal Officer a supplementary declaration containing particulars of such error.

9. Every guardian, trustee, attorney or agent of a person not resident in the Areas or the Republic or of a person suffering from any incapacity shall be liable to all acts, matters and things required to be done under the provisions of this Ordinance for the purpose of assessment and payment of any tax leviable on the immovable property belonging to such absent or incapacitated person.

Declarations by owners resident outside the Island of Cyprus and incapacitated persons.

10. The assessment of tax on the value of any immovable property belonging to an incapacitated person or a person not resident in the Areas or the Republic shall be made in the name of his guardian, trustee, attorney or agent as the case may be.

Assessment on agents and trustees.

11. The manager or other person in control of the management of any corporate body shall be liable for the submission of a declaration and for doing all such other acts as may be required under this Ordinance for the purpose of assessment and payment of the tax to which such corporate body may be liable.

Managers of corporate bodies.

12. Whenever an owner dies, his legal representatives shall be liable for doing all acts which the deceased person would but for his death have been required to do under this Ordinance.

Deceased persons.

13.—(1) Where a declaration of immovable property has been submitted and the Fiscal Officer has grounds for believing that the value of the immovable property of any person is greater than that calculated by the owner, the Fiscal Officer may at any time within six years of the date on which the tax became payable revise the valuation of the immovable property and the amount of tax and shall communicate his decision by written notice to the person concerned.

Review of valuation of immovable property by the Fiscal Officer.

(2) Where no declaration of immovable property has been made within the period prescribed under this Ordinance or

where such declaration has been made but any property has been omitted therefrom, the Fiscal Officer may at any time assess the value of the immovable property belonging to such person and shall communicate his decision by notice in writing to the person concerned.

(3) The provisions of any Ordinance in force relating to the assessment and collection of taxes shall *mutatis mutandis* apply to any appeals against the decision of the Fiscal Officer under this Section.

Additional tax because of low declaration or no declaration and refund with interest because of high declaration.

14.—(1) Whenever the value of any immovable property, as calculated under the provisions of Sections 6 and 7 of this Ordinance, is lower than three quarters of the value of the immovable property as finally ascertained, the owner shall be liable, in addition to the normal tax, to the payment of a sum equal to 1/10 of the difference between the amount of tax as finally assessed and the amount of tax paid or payable in accordance with the provisions of Sections 6 and 7 of this Ordinance.

(2) Whenever a person proves in relation to a tax year that he paid a temporary tax in excess of that properly payable by him, such person shall be entitled to a refund of the amount paid in excess plus interest at 9% from the date of the overpayment.

Collection of tax.

15.—(1) Every owner who submits a declaration of his immovable property shall for the year 1980 pay simultaneously a tax in relation to such declaration.

(2) Every owner shall for each ensuing year be liable to pay the tax in accordance with his initial declaration of property and any revision thereof before the 30th September in each such year.

(3) Whenever the tax has not been paid at the time when the declaration of immovable property is made, such tax shall be collected on or before the 30th September in every year in accordance with any Ordinance in force relating to the collection of taxes.

Collection of tax from occupier of property.

16. If for any reason any tax in respect of any immovable property cannot be recovered from the owner thereof, it may be recovered from any lawful occupier thereof; and upon such recovery the occupier shall not be liable to any civil proceedings by the owner in respect of the amount so recovered from him and shall be at liberty to deduct an amount equal to the amount recovered from him as aforesaid from the next instalment of rent in respect of such property due after such recovery.

Interest on tax unpaid.

17. If the tax is not paid by the 30th day of September of the year in respect of which it has been assessed such tax shall be collected with interest at 9% thereon from the day on which it became due and the provisions of this Ordinance relating to the collection of the tax shall apply to the collection of such sum.

Exemptions from tax.

18. No tax shall be assessed, or collected in respect of any of the following, that is to say —

- (a) any public burial ground;

- (b) any church, chapel, mosque, meeting house or premises or such part thereof as shall be exclusively appropriated to public religious worship ;
- (c) any premises used as public hospitals ;
- (d) any immovable property —
 - (i) held and registered in trust for any school operating under any enactment of the Areas or the Republic in force for the time being relating to elementary, secondary or higher education ;
 - (ii) used or occupied exclusively for the purposes of any charitable institution of a public character and supported mainly by endowments or voluntary contributions in so far as such immovable property is held for such purposes ;
 - (iii) registered or recorded as a communal pasture ground in the books of the Area Office ;
 - (iv) recorded or assigned *ab antiquo* for the common use of a community ;
 - (v) owned or occupied by the Republic of Cyprus or the Crown in any capacity or any authorized service organization as defined in the Treaty of Establishment.

19.—(1) Every person who fraudulently or wilfully makes an erroneous declaration in relation to his immovable property for the purpose of ascertaining his liability to a tax under this Ordinance shall be guilty of an offence.

False
declaration, etc.

(2) Every person who aids, abets, advises, urges or incites any person to make or provide any declaration under this Ordinance which is substantially false shall be guilty of an offence.

(3) Every person who commits any of the offences provided in subsections (1) or (2) of this Section of the Ordinance shall on conviction be liable to a fine not exceeding one thousand pounds or to imprisonment not exceeding three years or to both such fine and imprisonment and if he is a person convicted of an offence under subsection (1) of this Section of the Ordinance—

- (a) he shall pay the amount of tax lost as a result of his fraudulent or wilful act ; and
- (b) he shall be required by the Judge's Court to pay a sum not exceeding double the amount of the additional tax which is normally payable on the immovable property in respect of that year.

The additional amounts prescribed under paragraphs (a) and (b) of subsection (3) of this Section of the Ordinance shall be collected in the manner provided in this Ordinance.

(4) For the purposes of subsection (2) of this Section of the Ordinance a declaration shall be deemed to be substantially false if any information or sum which ought to have been included therein are wilfully omitted therefrom.

Other offences.

20.—(1) Every person who refuses, fails or neglects to submit any declaration or to provide any information or to carry out any duty imposed by the provisions of this Ordinance and any person who in any way contravenes the provisions of this Ordinance shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred pounds or to imprisonment not exceeding six months or to both such fine and imprisonment.

(2) The Judge's Court may in addition require a person so convicted to provide such information as may have been demanded of him in the notice sent to him by the Fiscal Officer.

(3) Every person who without reason fails to declare any immovable property belonging to him shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds and shall in addition —

- (a) pay the amount of tax lost as a result of his default or act; and
- (b) be required by the Judge's Court to pay an additional sum not exceeding double the difference between the amount of the tax correctly imposed and the tax which would have been imposed if the taxation had been based on the declaration submitted by him.

Power of
Fiscal Officer
to compound
offences.

21. The Fiscal Officer may at any time before a prosecution has been commenced, compound any offence under this Ordinance :

Provided that where a prosecution has been commenced against any person for any offence under this Ordinance the Fiscal Officer may, with the consent of the Legal Adviser, compound such offence at any time before judgment and may, with such consent, withdraw such prosecution.

Prosecution not
to be instituted
except with
sanction of the
Legal Adviser.

22. No prosecution in respect of any offence under this Ordinance shall be instituted except at the instance of or with the written sanction of the Legal Adviser.

Regulations.

23.—(1) The Administrator may make Regulations for the purpose of carrying out or giving effect to the objects and purposes of this Ordinance.

(2) Any person who contravenes or fails to comply with any Regulation made under this Section of the Ordinance shall be guilty of an offence and on conviction be liable to a fine not exceeding two hundred pounds or to imprisonment not exceeding six months or to both such fine and imprisonment.

Repeal.
Ordinances
10 of 1977 and
6 of 1978.

24. The Immovable Property (Temporary Provisions) Ordinance is hereby repealed.

11th November, 1980.

(118/6)

M. D. TIDY,
Chief Officer.

GAZETTE No. 576 of 15th DECEMBER, 1980.

THE CAPITAL GAINS TAX ORDINANCE, 1980

(Ordinance 18 of 1980).

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