AN ORDINANCE

To Amend the Immovable Property (Tenure, Registration and Valuation) Ordinance.


ADMINISTRATOR

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 (Tenure, Registration and Valuation) (Amendment) Ordinance, 1984 and shall be read as one with the Immovable Property (Tenure, Registration and Valuation) Ordinance, as amended by the Immovable Property (Tenure, Registration and Valuation) (Amendment) Ordinance, 1966 (hereinafter referred to as “the principal Ordinance”).

2. The principal Ordinance is hereby amended by repealing Section 6 thereof and substituting therefor the following new Section:—

"Ownership of storeys of a building.

6.—(1) When a building consists of more than one storey, each storey or part of each 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) 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 Ordinance or the Regulations made thereunder shall be owned, held and enjoyed by all of them in undivided shares.

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

(4) Subject to any agreement between themselves, the owners of the several storeys or part of each 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 expense 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.

(6) The Administrator 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.”.

3. Section 11 of the principal Ordinance is hereby amended:—

(a) by deleting the full stop, inverted commas and full stop at the end of paragraph (f) thereof and substituting therefor a semi colon;

(b) by inserting at the end of paragraph (f) thereof the word “or”; and
(c) by inserting immediately after paragraph (f) the following new paragraph, to be lettered (g):—

"(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."

4. Section 11A of the principal Ordinance is hereby amended:

(a) by inserting immediately after the words "conducting water" appearing in the ninth line of subsection (1) thereof, the words "or night soil or any other liquid";

(b) by deleting the full stop at the end of subsection (2) thereof and substituting therefor a comma;

(c) by inserting at the end of subsection (2) thereof the words "and if after such notice any of the interested parties fails to attend the local enquiry specified in the notice, the Chief Officer may proceed to take any action required in his absence."

(d) by deleting existing subsection (5) thereof and re-numbering existing subsections (6) and (7) as subsections (5) and (6) therefor, respectively; and

(e) by inserting immediately after subsection (6) thereof the following new subsection, to be numbered (7)—

"(7) The provisions of this Section shall not apply to Crown land without the written approval of the Administrator in any instance and on such terms and conditions as the Administrator may see fit to impose."

5. Section 12 of the principal Ordinance is hereby amended by adding the following new subsection, to be numbered (3):—

"(3) Where such right is a right of way, if by reason of laying out a public road or other passage or for 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 Chief Officer 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 Chief Officer 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."
52

6. The principal Ordinance is hereby amended by repealing Section 14 thereof and substituting therefor the following new Section:

"Fixing or variation of position of a right of way, etc.

14.—(1) The Chief Officer 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 thing similar to the aforesaid so that, however, no one of those two tenements is more adversely affected thereby than before.

(2) The Chief Officer may proceed to the fixing or variation provided under subsection (1) of this Section, 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."

7. Section 15 of the principal Ordinance is hereby amended:

(a) by deleting the words "all such persons shall," appearing in the second and third lines of subsection (2) thereof;

(b) by inserting immediately after the letter (a) appearing in paragraph (a) of subsection (2) thereof the words "all such persons shall"; and

(c) by inserting immediately after the letter (b) appearing in paragraph (b) of subsection (2) thereof the words "every such person shall".

8. The principal Ordinance is hereby amended by inserting immediately after Section 15 thereof the following new Section to be numbered 15A:

"Wells. 15A. Where more persons than one are entitled to water drawn from a well, all such persons shall clean, and 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.

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

9. The principal Ordinance is hereby amended by repealing Section 21 thereof and substituting therefor the following new Section:

"Erections, etc., on immovable property held in undivided shares.

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.”.

10. Section 24 of the principal Ordinance is hereby repealed.

11. Section 25 of the principal Ordinance is hereby amended:

(a) by inserting immediately after paragraph (a) of subsection (1) thereof the following words:

“within sixty days from the date of the declaration of sale”;

(b) by inserting immediately after the word “provided” of paragraph (b) of subsection (1) thereof the following words:

“within sixty days from the date of the declaration of sale”; and

(c) by inserting at the end of subsection (2) thereof the following new subsections, to be numbered (3), (4), (5) and (6) respectively:

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

(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) of this Section.

(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) of this Section was made.

(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 appropriate Area 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) of this Section, 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) of this Section, lodge in the appropriate Area Office the price demanded by the prospective purchaser and the appropriate registration fees, or he may apply to the Judge's Court for the determination of the value payable and shall serve upon the appropriate Area Office a copy of his application to the Judge's Court:

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 appropriate Area Office under the Sale of Land (Specific Performance) Ordinance:

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 Area Office under the Sale of Land (Specific Performance) Ordinance, unless such contract is produced to the appropriate Area 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.”

12. The principal Ordinance is hereby amended by repealing Section 27 thereof and substituting therefor the following new Section:

"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 contravene any one of such provisions, that is to say —

(a) no immovable property suitable for building site purposes and no building shall be divided into separate buildings except in accordance with the provisions of any Ordinance or Regulation in force for the time being;

(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;

(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 Chief Officer each such holding can properly and conveniently be held and enjoyed as a 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) Notwithstanding the provisions of Section 9 of this Ordinance, 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 Ordinance 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.”.

13. Section 28 of the principal Ordinance is hereby amended:—

(a) by deleting the words “the partition thereof among the co-owners cannot be made” appearing in the second and third lines of subsection (1) thereof and substituting therefor the words “no division thereof can be made”;

(b) by deleting the words “or divided in a manner which does not contravene any of the said provisions” appearing in the eleventh, twelfth and thirteenth lines of subsection (1) thereof;

(c) by deleting the words “the partition thereof among the co-owners cannot be made” appearing in the third and fourth lines of subsection (2) thereof and substituting therefor the words “no division can be made”; and

(d) by deleting the words and figure “of subsection (1)” appearing in the tenth and eleventh lines of subsection (2) thereof.
14. Section 29 of the principal Ordinance is hereby amended:—

(a) by deleting the full stop after the word “Director” appearing in the seventh line of subsection (3) thereof and substituting therefor a comma; and

(b) by inserting immediately after the word “Director”, the following words “and upon completion of the partition, the Chief Officer shall give notice thereof to all persons affected thereby.”.

15. Section 30 of the principal Ordinance is hereby amended by deleting the words “of paragraphs (a), (b), (c) and (d) of subsection (1)” appearing in the fourth line of subsection (2) thereof.

16. Section 34 of the principal Ordinance is hereby amended by inserting at the end thereof the following new proviso:—

“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 Judge’s Court for such an order as in the circumstances it may consider fit.”.

17. Section 43 of the principal Ordinance is hereby amended by inserting after the word “thereof” appearing in the third line of subsection (1) thereof the words “or any specific type of immovable property out of those set out in the definition of the words “immovable property” in Section 2 of the Ordinance:”.

18. Section 48 of the principal Ordinance is hereby amended:—

(a) by deleting the figure “46” appearing in the seventh line thereof and substituting therefor the figure “47”; and

(b) by deleting the figure “47” appearing in the ninth line thereof and substituting therefor the figure “46”.

19. The principal Ordinance is hereby amended by inserting at the end of Section 50 thereof the following new Section, to be numbered 50A:—

“Adoption of new plans. 50A.—(1) The Chief Officer may order the adoption of new plans for any village or quarter or for any part of a village 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.

(2) When there is an order for the adoption of new plans under subsection (1) of this Section, the Chief Officer shall furnish the Chairman of the respective Village Commission 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 Chief Officer shall publish in the Gazette 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 Commission and calling on every owner of immovable property situated 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 situated 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 Commission 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) of this Section, the Chief Officer 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 of the decision thereon.

(4) After the expiry of the period provided under subsection (2) of this Section, or under Section 80 of this Ordinance, as the case may be, the Chief Officer shall proceed to adopt the new plans as they may have been amended by him after the submission of an objection under subsection (3) of this Section or as they may have been amended by an order of the Judge's Court under Section 80 of this Ordinance, as the case may be, and where any immovable property in the relevant area is already registered in the Land Register, the Chief Officer may relate the registration thereof to the new plan by amending or correcting the Land Register and any other book or record of the appropriate Area Office and the certificate of registration of that immovable property without imposing any fee or charge.”

20. The principal Ordinance is hereby amended by inserting at the end of Section 51 thereof the following new Section, to be numbered 51A:—
Section 59 of the principal Ordinance amended.

21. Section 59 of the principal Ordinance is hereby amended:—

(a) by deleting the colon at the end thereof and substituting therefor a full stop; and

(b) by deleting the proviso thereto.

Section 61 of the principal Ordinance amended.

22. Section 61 of the principal Ordinance is hereby amended:—

(a) by inserting after the word “book” appearing in the second and fourth line of subsection (1) thereof the words and comma “or plan” and “, plan” respectively;

(b) by inserting at the end of subsection (1) thereof the following new subsection, to be numbered (1A):—

“(1A) 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 appropriate Area Office, the Chief Officer may, after ascertaining the true facts, proceed to cancel such registration, as well as every certificate relating to that registration.”;

(c) by inserting immediately after the word “amendment,” appearing in the first line of subsection (2) thereof the words “correction or cancellation”; and

(d) by inserting immediately after the word and figure “subsection (1)” appearing in the second line of subsection (2) thereof the following words and figure “or (1A) of this Section,”.

New Parts IIIA, IIIB and IIIC added to the principal Ordinance.

23. The principal Ordinance is hereby amended by inserting, immediately after Section 65 thereof, the following new Parts, to be numbered Parts IIIA, IIIB and IIIC, respectively:—
"PART IIIA.
REGISTRATION OF LEASES.

Interpretation.

65A.—(1) In this Part, unless the context otherwise requires, the terms “prohibition”, “appropriate Area Office”, “encumbrance”, “transfer” and “mortgage” shall have, mutatis mutandis, the meanings assigned to them respectively by the Immovable Property (Transfer and Mortgage) Ordinance, 1966.

(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; and

(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.

Ordinances 16/66, 16/70.

Registration of certain leases.

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.

(2) In order to register a lease under this Section, there shall be produced to the appropriate Area Office:—

(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 Crown immovable property;

(c) if only part of immovable property is leased, a survey plan issued by the Chief Officer on payment of the prescribed fee showing the property leased; and

(d) any other document or particular which may reasonably be required by the Chief Officer.
(3) Subject to the provisions of subsection (4) of this Section, the Chief Officer shall, upon the production of the documents referred to in subsection (2) of this Section 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 Crown 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) of this Section —

(a) if the contract of lease is not a valid contract in accordance with the provisions of subsection (1) of Section 77 of the Contract Ordinance;

(b) if the contract of a lease does not expressly provide for registration of the lease under this Section;

(c) save in the case of a lease of Crown immovable property, if the immovable property leased is not registered in the Land Register in the name of the lessor at the date of the production to the appropriate Area Office of the documents referred to in subsection (2) of this Section;

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

(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 Ordinance 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;

(j) if on the date of making the application for the registration of the lease, the unexpired period of such lease together with the further period or periods of renewal or extension of the lease, if any, expressly provided therein, do not exceed fifteen years.

65C.—(1) Upon the registration of a lease in accordance with Section 65B of this Ordinance, the lessee shall acquire a real right in the property leased in respect of which registration was made, in every other relevant immovable property of the lessor as referred to in Sections 22 and 23 of this Ordinance and in 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) of this Section 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 of this Ordinance provided, and be inherited, encumbered or disposed of by forced sale:

Provided that the reference in this subsection to the condition contained in the contract of lease shall not affect the charge other than by mortgage
under the provisions of any Ordinance 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.

Section 65D.-(1) Where a real right acquired under a contract of a lease registered in accordance with Section 65B of this Ordinance 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) of this Section.

(2) Registration of the transfer or sub-lease of a real right referred to in subsection (1) of this Section 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 Judge's 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 (c) to (i) of subsection (4) of Section 65B of this Ordinance apply mutatis mutandis;

(d) the prescribed fees and charges for the service of the notice provided by subsection (4) of this Section are not paid.

(3) Subject to the provisions of subsection (2) of this Section the registration of the transfer or sub-lease referred to in subsection (1) of this Section 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 of this Ordinance 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 provided in subsection (3) of this Section, the Chief Officer 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 of this Ordinance, that real right shall vest in the transferee for the unexpired term of the original lease of the respective immovable property 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 of this Ordinance, 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 of this Ordinance 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.

65F.—(1) Where a contract of lease registered in accordance with the provisions of Section 65B of this Ordinance (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 Area Office, whereupon, after payment of the prescribed fees and charges, the appropriate Area 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 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 of this Ordinance, 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 of this Ordinance), 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 Area Office and the entries and necessary amendments, if any, provided by subsection (1) of this Section are effected.
The provisions of subsections (1) and (2) of this Section 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 of this Ordinance.

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

65G.—(1) Upon the production of satisfactory proof of the determination of a lease registered in accordance with the provisions of Section 65B of this Ordinance, the Chief Officer 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, in the books of the appropriate Area 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 Chief Officer shall notify the interested parties of such cancellation.

(2) The provisions of subsection (1) of this Section shall apply, *mutatis mutandis*, to any surrender before the determination thereof of a lease registered under the provisions of Section 65B of this Ordinance 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 Judge's Court Order made on the application of any interested person, and if such be the case, providing, in the discretion of the Judge's 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 of this Ordinance, the Chief Officer 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
Application of provisions of the Corporate Bodies (Immovable Property Registration) Ordinance Cap. 218 (Laws of Cyprus).

4. Creations of easements prohibited.

Area 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 Chief Officer shall notify the interested parties of such cancellation.

(4) The provisions of subsection (3) of this Section 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 of this Ordinance, 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 Judge's Court Order made on the application of any interested person, and if such be the case, providing, in the discretion of the Judge's 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) Ordinance, 1966.

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

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 of this Ordinance, shall not be entitled under the provisions of paragraph (a) of subsection (1) of Section 11 of this Ordinance, 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:
Provided that where a sub-lease of the real right of the lessee was registered under the provisions of Section 65D of this Ordinance 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 Ordinance 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 of this Ordinance 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 of this Ordinance, from the sub-lessee, the return of the amount of any tax, fee or other charge paid.

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 of this Ordinance, respectively, shall, for the purposes of the Fraudulent Transfers Avoidance Ordinance, be deemed to be a transfer of immovable property and the provisions of the said Ordinance shall apply, mutatis mutandis, to 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.

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

(1) Upon the production to the appropriate Area 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 remain in force until a registration in accordance with Section 65B of this Ordinance is effected.

(3) During the time when the entry is in force, the holder of a confirmation issued to him under subsection (1) of this Section 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) Ordinance, 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”.

65M.—(1) During the term of a lease of immovable property registered in accordance with the provisions of Section 65B of this Ordinance, 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 of this Ordinance, 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.

65N.—(1) The Administrator 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.

PART III B.
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.

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

(3)—(i) Any lease of immovable property existing on the date of the commencement of this Ordinance may be registered, mutatis mutandis, subject to the provisions of Section 65B of this Ordinance, within six months from the said date, if—

(a) the unexpired term of such lease together with the further periods or period of renewal or extension expressly provided for in the relevant contract, exceeds 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 of this Ordinance 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 Chief Officer 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 Chief Officer may in each case specify; and

(d) the lessor, on being notified by the Chief Officer of his intention to register the lease, does not appeal against such decision in accordance with the provisions of Section 80 of the principal Ordinance, such provisions applying \textit{mutatis mutandis}.

(ii) The provisions of subsection (1) of this Section shall apply, \textit{mutatis mutandis}, to a sub-lease of a real right acquired by the registration of a lease effected under the said subsection.

\textbf{PART IIIC.}

\textbf{REGISTRATION OF RESTRICTIVE COVENANTS.}

\textbf{Interpretation.}

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.

65R.—(1) Subject to the provisions of subsections (2) and (3) of this Section, 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
appropriate Area 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 appropriate Area 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.

65S. From the deposit of the relevant documents for registration of the restrictive covenant under Section 65R of this Ordinance, 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.

65T. A restrictive covenant may be terminated or amended by an order of the Judge's Court.

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

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 any town planning legislation in force for the time being.”.

24. Section 66 of the principal Ordinance is hereby amended:—

(a) by deleting the full stop at the end thereof and substituting therefor a colon; and

(b) by adding at the end thereof the following two new provisos:
"Provided that until such immovable property is valued and the value thereof is registered in accordance with the provisions of this Section, the Chief Officer may, for the purpose of imposition of taxation and Area Office fees and charges under the provisions of any other Ordinance in force for the time being, determine a provisional value thereof and enter the same in the books of the appropriate Area Office, provided that the value of immovable property situated 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 of the principal Ordinance:

Provided further that the Chief Officer 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."

25. Section 70 of the principal Ordinance is hereby amended by deleting the word "thirty" appearing in the third line of paragraph (d) thereof and substituting therefor the word "sixty".

26. Section 72 of the principal Ordinance is hereby amended by deleting the figure "69" appearing in paragraph (c) thereof and substituting therefor the figure "70".

27. Section 75 of the principal Ordinance is hereby amended by adding at the end thereof the following new subsection, to be numbered (5) :

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

(a) every such notice or communication sent by post shall be sent by registered post and, if the Chief Officer 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 Chief Officer;

(b) a declaration upon oath by the person posting up such notice or a certificate issued by the village authority of the village where the notice was posted up shall be produced to the Chief Officer as prima facie evidence of the posting up of any such notice."

28. Section 79 of the principal Ordinance is hereby amended :

(a) by deleting the word "fifty" appearing in the fifth line of subsection (1) thereof and substituting therefor the words "three hundred";
71

(b) by deleting the word “ten” appearing in the sixth line of subsection (2) thereof and substituting therefor the word “fifty”;

(c) by deleting the word “fifty” appearing in the sixth line of subsection (3) thereof and substituting therefor the words “three hundred”; and

(d) by deleting the words “one hundred” appearing in the last line of subsection (4) thereof and substituting therefor the words “seven hundred and fifty”.

29. Section 82 of the principal Ordinance is hereby amended:

(a) by deleting the full stop at the end of subsection (1) thereof and substituting therefor a colon; and

(b) by adding at the end thereof the following new proviso:

“Provided that where production of a certificate of the village authority of the quarter or village in which the property is situated is impossible or impracticable, the Chief Officer may in lieu thereof accept the certificate of any other village authority prepared as in this sub-section provided.”.

30. The principal Ordinance is hereby amended by repealing the Fourth Schedule thereto and substituting therefor the following new Schedule:

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/SCHEDULE
FOURTH SCHEDULE

(Section 83).

FEES.

(a) to Chairmen of Village Commissions.

1. Upon certifying any signature, seal or mark ... 10 cents

2. Upon issuing, signing and sealing a certificate of facts relating to the occupation or possession of immovable property irrespectively of the number of plots concerned —
   (i) without inspection of the property ... ... 20 cents
   (ii) where inspection is necessary and has been made by the Chairman of the Village Commission, the sum of 10 cents together with payment in respect of the time occupied by the inspection at the rate of £1 for a day or 50 cents 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. 20 cents

4. Upon preparing, signing and sealing a certificate of partition of property assented to by persons co-interested —
   (i) where the Chairman of the Village Commission has not attended the partition, the sum of 20 cents with an additional charge of 2½ cents in respect of each piece of property partitioned in excess of nine pieces;
   (ii) where the Chairman of the Village Commission has not attended the partition, the sum of 20 cents together with payment in respect of the time occupied by the inspection at the rate of £1 for a day or 50 cents for half a day or less.

5. All certificates not otherwise specified, irrespective of the number of plots concerned ... ... ... 20 cents

(b) to Members of Village Commissions.

Upon certifying any signature, seal or mark ... 5 cents”.

A. J. CRAGG,
Chief Officer.

9th October, 1984.

(118/3A)

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