

No. 551.

THE IRRIGATION (PRIVATE WATER) ASSOCIATION LAW, 1949.

In pursuance of the provisions of sub-section (3) of section 12 of the Irrigation (Private Water) Association Law, 1949, the following rules made by the Committee of the Irrigation Association of Peristeronari, in the District of Nicosia, are published in the *Gazette*.

IRRIGATION ASSOCIATION OF PERISTERONARI.
Rules.

1. These rules may be cited as the Irrigation Association of Peristeronari Rules, 1952.
2. In these rules, unless the context otherwise requires—
 - “Commissioner” means the Commissioner of the District of Nicosia;
 - “Committee” means the Committee of the Irrigation Association;
 - “Irrigation Association” means the Irrigation Association of Peristeronari;
 - “Law” means the Irrigation (Private Water) Association Law, 1949;
 - “List” means the list of the names and residences of the proprietors and of the extent of the interest of each proprietor in the water, as finally settled in accordance with the provisions of section 11 of the Law;
 - “Water” means the water of the chain of wells commonly known as “Peristeronari Irrigation Company” Water;
 - “Works” means the irrigation works of the Irrigation Association.
3. The present Committee shall hold office for a period of three years beginning on the 9th December, 1952. The election of each subsequent Committee shall take place in the manner hereinafter provided every third year in the second week of the month of November, and it shall hold office for a period of three years from the date of the expiration of the period of office of the previous Committee.
- 4.—(1) The Commissioner shall, not less than one month before the holding of the meeting as in rule 3 provided, cause a written notice thereof to be—
 - (a) published in a newspaper or newspapers; and
 - (b) posted in a conspicuous place in the town, village or quarter in which the water is situated.
 (2) All expenses connected with the notices shall be paid for from the funds of the Irrigation Association.
- 5.—(1) The Commissioner shall preside at every meeting so convened and if any question is raised as to the right of a person to attend thereat or to vote, the Commissioner may there and then make such enquiry as he may deem requisite and declare whether such person has a right to attend or to vote or not and the decision so made shall be final; and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.
 - (2) No business shall be transacted at any such meeting and no decision shall be taken thereat, unless more than one-half of the aggregate number of the proprietors are present in person or are represented by a proxy properly appointed by an instrument signed in the presence of and certified by a mukhtar.
 - (3) The Commissioner shall call the persons who are present at the meeting and entitled to vote to elect, by an open vote, to be taken as to him may appear convenient, a Committee of not less than three and not more than five persons from among the proprietors. Every candidate for such election shall be properly proposed and seconded at the meeting.
 - (4) Every proprietor present shall be entitled to give one vote for each candidate and every authorized proxy shall be similarly entitled to give one vote in respect of every proprietor from whom he holds authority.
 - (5) At the conclusion of the voting the Commissioner shall count the votes and the candidates who have received the greatest number of votes shall be declared to be elected as the Committee and shall hold office for a period of three years from the date of the expiration of the period of office of the previous Committee.
 - (6) In case a person elected as a member of the Committee declines to act, the person who received the greatest number of votes next to such candidate shall be appointed by the Commissioner to be a member of the Committee in the place of the candidate so declining to act.
 - (7) In case the number of candidates proposed and elected as members of the Committee is not greater than the number of persons required as members of the Committee and one or more of them declines to act, the Commissioner shall nominate another proprietor or proprietors to be a member or members of the Committee in his or their place.
 - (8) The Commissioner shall keep or cause to be kept minutes of the proceedings at every such meeting and shall enter or cause to be entered therein the questions or resolutions proposed thereat and the number of votes given for and against them and shall at the close of the meeting sign the minutes and declare the result of votes given.
 - (9) The Commissioner may at his discretion adjourn any such meeting from time to time to a date and place to be declared by him at the meeting or the adjourned meeting and no further notice thereof shall be necessary.
 Provided that, unless special notice is given therefor, no subject which was not contained in the notice convening the public meeting shall be discussed or considered at any adjourned meeting.
- 6.—(1) The Committee shall appoint a treasurer who shall collect the charges assessed upon the proprietors mentioned in the list.
 - (2) The treasurer shall, on the 15th November, in every year, prepare a statement of all charges still due and unpaid on that date and shall forward such statement to the Commissioner.

(3) The treasurer shall receive a remuneration of three per centum of all rates and charges collected by him as in paragraph (1) hereof, and, in addition, he shall be paid such of his out of pocket expenses as may be sanctioned by the Committee.

(4) The treasurer shall be appointed for such period as the Committee may fix but in no case extending over the term of office of the Committee appointing such treasurer.

7. Every proprietor mentioned in the list shall pay a charge not exceeding forty shillings per annum, as may be determined by the Committee from time to time, for each hour of water of which he is the proprietor.

8. All charges assessed under these rules shall be paid on or before the 14th November, in every year.

9. The annual estimates of the Irrigation Association shall be submitted by the Committee to the Commissioner for approval not later than the 30th day of November, in every year.

10. The Committee shall from time to time authorize the treasurer to pay out of the money in his hands any sum required—

- (a) for the works or for the maintenance or repairs thereof; and
- (b) for any purpose approved by the Commissioner in connection with the operations of the Irrigation Association provision for which is made in any estimates approved by the Commissioner; and
- (c) for any compensation payable under section 24 of the Law, whenever there are funds at the disposal of the treasurer or of the Committee sufficient to meet any amount payable as compensation under the provisions of the said section.

11. The Committee may from time to time appoint such person or persons as may be required for the purpose of carrying out any work or for the performance of any duty under the provisions of the Law or of these rules, and fix the remuneration of such person or persons: Provided that the person or persons appointed for carrying out any work shall be first approved by the Commissioner.

12. During the months of March and August, in every year, the Committee shall cause the works to be properly cleared and repaired.

13.—(1) No person shall—

- (a) enlarge or lessen the width of any branch channel or channels;
- (b) open a new channel;
- (c) in any way interfere with the water or the works,

without the licence in writing of the Committee previously obtained and subject to such terms and conditions as the Committee may impose, and if any person to whom such licence has been granted acts in contravention of, or fails or neglects to observe, the terms and conditions thereof, he shall be guilty of an offence against this rule.

14. Every proprietor through whose lands there pass any channels shall at all times keep such part of such channels as may pass through his lands, clear and free from all obstructions whatsoever and if he fails to do so the Committee may cause any obstructions to be removed from such part of the channel and the cost thereof shall be paid by the proprietor concerned in addition to the rate payable by such proprietor under rule 5 without prejudice to any other liability of such person for the breach of this rule.

15. If there are two or more proprietors interested in any channel and they are unable to agree between themselves for the repair of any such channel and the clearing of the same of obstructions, the Committee shall cause such channel to be repaired and cleared of obstructions and the cost therefor shall be paid by the proprietors concerned in such proportion as the Committee may direct, in addition to the rate payable by every such proprietor under rule 5.

16. The Committee shall distribute the water from time to time to every proprietor in accordance with the interest of each proprietor as recorded in the list and in accordance with the usage heretofore observed with regard to the turn of irrigation and distribution of such water.

17. The Committee may with the consent of the Commissioner enter into any agreement or arrangement with the Committee of any other Irrigation Association or of any Irrigation Division formed under the provisions of the law or of the Irrigation Divisions (Villages) Laws, 1938 to 1949, as the case may be, with regard to any dams or channels which are shared in common between the Irrigation Association and such other Irrigation Association or Irrigation Divisions, the maintenance thereof and the proportion of any contribution for any expenses incurred in connection therewith to be paid by the Irrigation Association.

18.—(1) Upon an application to the Commissioner signed by not less than two-thirds of the proprietors mentioned in the list requesting that the Irrigation Association be dissolved, the Commissioner shall, subject to the provisions of section 4 of the Law, call a meeting of the proprietors for the purpose of determining whether the Irrigation Association should be dissolved.

(2) Every meeting so convened shall be held in the presence of the Commissioner at the time and place appointed.

(3) No business shall be transacted at any such meeting and no decision shall be taken thereat, unless more than one-half of the aggregate number of the proprietors are present in person or are represented by a proxy properly appointed by an instrument signed in the presence of and certified by a Mukhtar.

(4) If, subject to the provisions of sub-paragraph (3) above, the majority of the proprietors or the authorized proxies, thereof who are present decide that the Irrigation Association should be dissolved the Irrigation Association shall be so dissolved accordingly:

Provided that a proxy holding authority from more than one person shall be entitled to vote in respect of every proprietor from whom he holds authority:

Provided also that all charges due and unpaid on the date of dissolution shall be levied and paid as if the Irrigation Association had not been dissolved.

(5) Any money in the hands of the Committee or the treasurer at the time of the dissolution of the Irrigation Association and any money recovered at any time thereafter on account of the rates due and unpaid at the time of such dissolution, shall be paid to the Commissioner, and shall be passed in the books of the Commissioner to the credit of the village of Peristeronari and shall be utilized by the Commissioner for such purpose of public utility in the village of Peristeronari as may be approved by him. (M.P. 1779/52.)

No. 552. THE WATER (DOMESTIC PURPOSES) VILLAGE SUPPLIES LAW.

CAP. 311 AND LAWS 28 OF 1951 AND 12 OF 1952.

BYE-LAWS MADE BY THE WATER COMMISSION OF KAPEDHES VILLAGE (NICOSIA DISTRICT)
UNDER SECTION 29.

In exercise of the powers vested in them by section 29 of the Water (Domestic Purposes) Village Supplies Law, the Water Commission of Kapedhes village, in the District of Nicosia, hereby make the following bye-laws :—

1. These bye-laws may be cited as the Village Domestic Water Supply (Kapedhes) Bye-laws, 1952.

2.—(1) Subject to the provisions of paragraphs (2) and (3) of this bye-law, the Village Domestic Water Supply (Elea) Bye-laws, 1950, published in the *Gazette* of 1st November, 1950, shall—

(a) be deemed to be bye-laws made by the Water Commission of Kapedhes and to be incorporated herein, and

(b) apply to the village of Kapedhes.

(2) The bye-laws set out in Part I of the Schedule hereto shall be substituted for the corresponding bye-laws of the Village Domestic Water Supply (Elea) Bye-laws, 1950.

(3) Those bye-laws of the Village Domestic Water Supply (Elea) Bye-laws, 1950, mentioned in Part II of the Schedule hereto, shall not apply to the village of Kapedhes.

— SCHEDULE.

PART I.

(Bye-law 2 (2)).

BYE-LAWS TO BE SUBSTITUTED.

Bye-law 2.—In these bye-laws, unless the context otherwise requires—

“Commissioner” means the Commissioner of the District of Nicosia and includes an Assistant Commissioner of that District;

“Law” means the Water (Domestic Purposes) Village Supplies Law and any law amending or substituted for the same;

“Village” means the village of Kapedhes;

“Water” means the water of the water supply;

“Water Commission” means the Water Commission of Kapedhes village;

“Water Supply” means the supply of water for domestic purposes used or constructed under the Law in the village of Kapedhes and includes all wells, bores, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, channels, engines and other structures or appliances used or constructed for the storage, conveyance, supply, distribution, measurement or regulation of the water of such supply of water.

Bye-law 10.—The owner or occupier of any dwelling house or premises supplied with water shall pay a rate, to be determined in each case by the Water Commission, not exceeding two pounds per year or part thereof:

Provided that the Water Commission may install water-meters or water measuring devices on any part of the water supply for measuring the quantity of water supplied to any dwelling house or premises and in every such case the rate to be paid by the owner or occupier thereof shall be determined in each case by the Water Commission but shall in no case exceed three shillings per thousand gallons.

Bye-law 12.—The Water Commission shall, in every year, fix a uniform rate not exceeding thirty shillings to be paid by every householder in the village for the maintenance of the water supply.

Bye-law 13.—The Water Commission shall, not later than the 1st of May in each year, post or cause to be posted in two conspicuous places in the village a notice under the signature of the Chairman of the Water Commission specifying the rate fixed for the year to which the notice relates, and such rate shall be paid by each householder in the village to the Water Commission not later than the 30th of September of the same year.

PART II.

(Bye-law 2 (3)).

BYE-LAWS NOT APPLICABLE.

Bye-laws 2, 10, 12 and 13.

The above bye-laws have been approved by the Commissioner of the District of Nicosia.

(M.P. 1469/52).