

## SUPPLEMENT No. 2

THE CYPRUS GAZETTE No. 3400 of 28th OCTOBER, 1948. LEGISLATION.

## THE STATUTE LAWS OF CYPRUS

No. 34 of 1948.

A LAW TO AMEND THE MUNICIPAL CORPORATIONS LAWS, 1930 то 1945.

WINSTER.

[27th October, 1948.

Governor.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :--

1. This Law may be cited as the Municipal Corporations short title. (Amendment) Law, 1948, and shall be read as one with the Municipal Corporations Laws, 1930 to 1945 (hereinafter 26 of 1930 referred to as "the principal Law"), and the principal Law 23 of 1942 and this Law may together be cited as the Municipal 12 of 1943 Corporations Laws, 1930 to 1948. Corporations Laws, 1930 to 1948.

41 of 1944

Amendment of section 5 (2) of the principal Law. 2. Paragraph (b) of sub-section (2) of section 5 of the principal Law (as set out in Law 19 of 1945) is hereby amended by the deletion therefrom of the words "twelve months" (line 4) and the substitution therefor of the words "two years".

Amendment of section 10 of the principal Law.

3. Section 10 of the principal Law is hereby amended by the deletion therefrom of the word "twelve" (line 4) and the substitution therefor of the word "twenty".

Amendment of section 11 of the principal Law.

4. Section 11 of the principal Law (as set out in Laws 23 of 1942 and 19 of 1945) is hereby amended by the deletion therefrom of the words "three years", (which occur in lines 1 and 2 of the section and in line 4 of paragraph (b) of the proviso thereto) and the substitution therefor in each case of the words "four years".

Deletion of sections 13, 14, 15, 16, 16a, 16B and 17 of the principal Law and substitution of new sections 13, 14, 15, 16 and 17.

5. Sections 13, 14, 15, 16, 16a, 16b and 17 of the principal Law (as set out in Laws 26 of 1930, 23 of 1942 and 19 of 1945) are hereby repealed and the following sections substituted therefor:—

"Electors

13.—(1) There shall be for each municipal corporation a list of Christian electors and a list of Moslem electors, which shall be called electors lists.

(2) The electors lists shall be prepared and revised every four years in accordance with the regulations in Part I of the First Schedule to this Law.

First Schedule, Part I.

Electors rolls.

- 14.—(1) The electors lists transmitted to the Commissioner by the Revising Judge in accordance with the regulations in Part I of the First Schedule to this Law, as may be revised from time to time as in section 15 of this Law provided, shall be the electors rolls for the Christian electors and for the Moslem electors, respectively, of the municipal corporation concerned and shall remain in operation during the four years in respect of which they were prepared.
- (2) The name of any person shall not appear more than once in any electors roll, nor in more than one such roll of any municipal corporation.

(3) In this Law—

'Revising Judge' means a member of a District Court nominated by the Chief Justice for the purposes of this Law.

Annual revision of electors rolls.

First Schedule, Part II.

Inspection and copies of electors rolls.

Voters cards and voters notes.

Schedule 1A.

- 15. The electors rolls shall, during each one of the three years following the year of their preparation and revision in accordance with the regulations in Part I of the First Schedule to this Law, be revised in accordance with the regulations in Part II of the First Schedule to this Law.
- 16. The electors rolls of every municipal corporation shall be kept open to inspection at the office of the Commissioner during office hours by every elector thereon and copies thereof signed by the Commissioner may be obtained by any person upon payment of six shillings for every hundred names in such copy.
- 17.—(1) The Commissioner shall cause to be prepared in respect of every person whose name appears on the electors rolls a card (hereinafter in this Law referred to as 'the voters card') in the form set forth in the Schedule IA to this Law and all such cards shall be kept by the Commissioner to be used in connection with any election by poll which may take place.
- (2) Where an election by poll is to take place, the Commissioner shall, upon application, supply any person whose name appears on the electors rolls with a note (hereinafter in this Law referred to as 'the voters note') showing the name of such person, the number of his voters card and the polling station at which he may vote:

Provided that applications under this sub-section—

- (a) shall be made during office hours and not later than noon of the day preceding the day of the election by poll; and
- (b) shall be made either orally by the applicant himself or in writing to be handed in the Commissioner's office either by the applicant or by a person duly authorized by him to take the applicant's voters note.
- (3) Any person who forges a voters card or a voters note shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment."

Amendment of section 73A (1) of Law.

6. The second proviso to sub-section (1) of section 73A of the principal Law (as set out in Law 23 of 1942) is hereby the principal deleted and the following proviso substituted therefor:

"Provided also that contracts the duration of which will exceed the duration of the council making the same shall be subject to the approval of the Governor."

Amendment of section 115 of the principal Law.

7. Section 115 of the principal Law is hereby amended as follows:-

(a) by the repeal in sub-section (1) thereof of paragraph (k) and the substitution therefor of

the following paragraph:

"(k) Provide and maintain proper services and appliances for extinguishing fires and water buckets, pipes, fire escapes and other implements for safety or use in case of fire."

(b) by the repeal of sub-section (3) thereof and the substitution therefor of the following sub-section:-

> "(3) The council shall pay into the Treasury out of the annual revenue of the municipal corporation, the following minimum annual contributions in respect of the following matters, that is to say:

(a)  $2\frac{1}{2}\%$  of such revenue, for the main-

tenance of public hospitals;

(b)  $\frac{1}{2}$ % of such revenue, for the establishment and maintenance of infant welfare centres established within the municipal limits with the authority of the of Medical and Health Services:

Provided that, in calculating the annual revenue of a municipal corporation for the purposes of this sub-section, only the net receipts from any undertaking certified by the Colonial Secretary to be an industrial undertaking carried on by a municipal corporation, shall be taken into account."

Repeal of section 116 (n) of the principal Law.

Repeal of

section

117 (2) of the

principal

Law and substitution

sub-section.

of new

8. Paragraph (n) of section 116 of the principal Law (as set out in Law 23 of 1942) and any bye-laws made in connection therewith are hereby repealed.

9. Sub-section (2) of section 117 of the principal Law is hereby repealed and the following sub-section substituted therefor:-

"(2) Any person contravening any bye-law, for the breach whereof no penalty is provided by such bye-law or by any other section of this Law, shall be guilty of an

offence and shall, on summary conviction, be liable to a fine not exceeding twenty pounds and the trial court may order that any article or goods in respect of which an offence has been committed shall be forfeited to the municipal corporation concerned."

10. Section 158 of the principal Law is hereby amended Amendment by the deletion therefrom of the words "five pounds" of section 158 (last line) and the substitution therefor of the words principal twenty pounds ".

11. Section 171 of the principal Law is hereby repealed Repeal of and the following section substituted therefor:-171. Any person who, within any municipal principal "Carrying on trade, etc., limits, carries on, exercises or practises any Law and substitution licence, an business, trade, calling or profession without— of new offence.

(a) having applied for a licence so to do section. within one month of his having commenced or recommenced so do: or

(b) applying for the renewal of any licence so to do within one month of the expiry of any licence previously granted to him,

shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding twenty pounds."

12. Sub-section (4) of section 173 (as set out in Law 23 Amendment of 1942) is hereby amended by the deletion therefrom of the of section words "top abilings" (last line) and the relation therefrom the last of the las words "ten shillings" (last line) and the substitution of the therefor of the words "five pounds".

principal Law.

13. Section 193 of the principal Law is hereby amended Amendment as follows :-

of section 193

(a) by the insertion therein, immediately after principal paragraph (m) (as set out in Law 23 of 1942) of the following paragraphs (deleting at the same time the full stop at the end of such paragraph and substituting therefor a comma and the word "or"):-

"(n) Affixes or causes or suffers to be affixed any name of a street or of a public place, approval whereof has not been obtained as in section 115 (1) (y) of this Law provided,

(o) Removes, destroys, defaces or obliterates or causes to be removed, destroyed, defaced or obliterated the name of any street or of a public place, lawfully affixed thereat or thereon.";

(b) by the deletion therefrom of the words from "shall be guilty of an offence" to the end thereof (last three lines) and the substitution therefor of

the following words:-

"shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding fourteen days and, in the case of a conviction for an offence under paragraph (n) hereof, the court may order the payment of a further fine not exceeding five pounds for every day during which the person convicted suffers or permits the name in respect of which the offence was committed to remain affixed.";

(c) by the insertion therein of the following sub-sections (2) and (3), the first part thereof being numbered

as sub-section (1):-

"(2) When an offence is committed under this section, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence and may be charged and tried with actually committing it and may be punished accordingly, that is to say:—

(a) every person who actually does the act or makes the omission which

constitutes the offence;

(b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) every person who aids or abets another person in committing the offence;

(d) any person who counsels or procures any other person to commit the offence.

(3) Notwithstanding anything contained in this or any other Law, any police officer may remove the name of a street or of a public place affixed thereat or thereon, whether before or after the commencement of this Law, approval whereof has not been obtained as in section 115 (1) (y) of this Law provided."

14. Section 197 of the principal Law is hereby amended by the deletion therefrom of the words "five pounds" (last line) and the substitution therefor of the words "twenty pounds".

Amendment of section 197 of the principal Law.

15. The principal Law is hereby amended by the insertion Insertion of therein, immediately after section 206, of the following new section 206 the following 206 in the section :-

principal Law.

"Power to order that fire extinguishing services shall be undertaken-by Police Fire Brigades.

26 of 1947.

- 206A.—(1) Notwithstanding anything this Law contained, the Governor may, order to be published in the Gazette, direct that, as from such date as may be specified in the order, the provision of services and appliances for extinguishing fires shall be undertaken by a Police Fire Brigade established under the Police Law, 1947, or any Law amending or substituted for the same, instead of by the council of the municipal corporation named in the order and as from the date specified in the order, paragraph (k) of subsection (1) of section 115 of this Law shall be suspended in so far as it applies to the municipal corporation named in the order.
- (2) As from the date specified in an order made under the provisions of sub-section (1) of this section, the council of the municipal corporation named therein shall become liable to pay into the Treasury out of the annual revenue of the municipal corporation, the cost of providing the aforesaid services and appliances, and such payment, in respect of the immediately preceding year, shall be made upon the demand of the Accountant-General:

Provided that no municipal corporation shall be required to pay in respect of any year a sum in excess of 5% of its revenue for that vear:

Provided further that in calculating the annual revenue of a municipal corporation for the purposes of this section, only the net receipts from any undertaking certified by the Colonial Secretary to be an industrial undertaking carried on by the municipal corporation shall be taken into account.

(3) When an order is made under the provisions of sub-section (1) of this section, the council of the municipal corporation affected thereby shall, on the occasion of any fire, be bound to place at the disposal of the Police Fire Brigade all the available water belonging to, or under the control or charge of, the municipal corporation."

Repeal of the First Schedule to the principal Law and substitution of new Schedule. 16. The First Schedule to the principal Law (as set out in Laws 23 of 1942 and 19 of 1945) is hereby repealed and the following Schedule bearing the same number substituted therefor:—

"FIRST SCHEDULE.

# REGULATIONS FOR THE PREPARATION AND REVISION OF ELECTORS LISTS AND ELECTORS ROLLS.

(Sections 13 and 15).

1. In this Schedule-

'Commissioner' includes any person authorized by the Commissioner to act on his behalf for all or any of the purposes of this Schedule;

'mukhtar' and 'aza' means the mukhtar and aza of the town or of the quarter of the town in respect of which such mukhtar or aza is required or empowered to act under the provisions of this Schedule;

#### PART I.

2.—(1) Between the 10th day of January and the 10th day of February of the year 1949, both inclusive, and thereafter between the same dates in every fourth year following, the Christian mukhtar and not less than two Christian azas, as the Commissioner may nominate, shall prepare a list of every person ordinarily resident in their town or quarter, who is prima facie entitled to be enrolled as a Christian elector under the provisions of section 5 of this Law and the Moslem mukhtar and not less than two Moslem azas, as the Commissioner may nominate, shall similarly prepare a list of every person ordinarily resident in their town or quarter who is prima facie entitled to be enrolled as a Moslem elector under the provisions of section 5 of this Law.

(2) The lists shall be as in Form 1 in this Schedule and shall contain

the particulars therein set out.

(3) For the preparation of the lists, the mukhtar and azas shall make a house to house enquiry and, for that purpose, may enter any house at any time between sunrise and sunset and put to any person, who claims to be entitled to be enrolled as an elector and to the person in charge of the house, any question bearing on the qualifications of the person so claiming.

Every person so questioned shall be bound to answer truly all questions put to him in connection with the enquiry and any person who knowingly makes a false answer to any question put to him bearing on the matter of the enquiry shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) Upon completion of the lists, the mukhtar and azas shall verify the same by affidavit on oath as included in Form 1 of this Schedule:

Provided that, notwithstanding anything in any law or public instrument contained, no fee shall be payable in respect of any such affidavit.

(5) After the verification of the lists as in paragraph (4) hereof provided, the mukhtar, not later than the 11th day of February in the year in which the lists are prepared, shall deliver the lists to the Commissioner and, thereupon, the Commissioner shall pay to the mukhtar and to each aza verifying the list a fee to be determined by the Commissioner but in no case exceeding £30 for the mukhtar and £15 for each of the azas.

Form 1.

3.—(1) The Commissioner shall, out of the lists delivered to him by the Christian and Moslem mukhtars as in paragraph (5) of regulation 2 provided, prepare separate lists of the Christian and Moslem electors for each quarter, setting out in alphabetical order the names therein appearing and shall cause copies of such lists to be posted outside his office as well as outside the office of the municipal corporation concerned, not later than the 10th day of March, in the year in which the lists are prepared.

(2) If, for any reason, no list for any town or quarter is delivered to the Commissioner by the 11th day of February as in paragraph (5) of regulation 2 provided, then in every such case the Commissioner shall prepare or cause to be prepared the list which should have been so delivered, completing the preparation of the list and the setting of the names in alphabetical order and the posting of the same as in paragraph (1) hereof provided, not later than the 10th day of March in the year in which the

list is prepared.

4.—(1) Any person whose name is not in the lists and who claims to have his name inserted therein may, between the 10th and the 18th days of March both inclusive next following the posting of the lists as hereinbefore provided, apply to the Commissioner as in Form 2 in this Schedule, setting Form 2. out his claim and giving the particulars therein set out, and any person whose name, being in the lists, claims to have the name of any person struck off such lists, may, between the same dates as aforesaid, apply to the Commissioner as in Form 3 in this Schedule, setting out his claim and Form 3. giving the particulars therein set out.

(2) Every application under paragraph (1) hereof shall be accompanied by a deposit of ten shillings and shall be supported by an affidavit on oath

as in Form 4 in this Schedule:

Provided that-

(a) where a person applies for the striking off a list of the name of any other person included in the list, the person applying shall, within the same period, give notice to the person affected either by serving on him a copy of his application or by leaving it at the address shown on the list;

(b) notwithstanding anything in any law or public instrument contained, no fee shall be payable in respect of any such

application or affidavit;

(c) the deposit of ten shillings shall be returned to the applicant if his application is successful or if the Revising Judge so directs, and in every other case it shall be forfeited.

- 5. Upon receipt of an application as hereinbefore provided, the Commissioner shall, not later than the 24th day of March next following the receipt of the application, cause to be posted outside his office and outside the office of the municipal corporation concerned, lists of all such applications and shall, at the same time, transmit copy thereof to the Revising Judge with an endorsement showing the date of such posting together with a copy of each list as prepared by him as in regulation 3 hereof provided.
- 6. Upon receipt of the copies of the lists as hereinbefore provided, the Revising Judge shall, forthwith, by notice published in the Gazette fix the place, date and hour for the hearing of such applications:

Provided that the date shall be not less than eight days from the date

of the publication of the notice in the Gazette.

7.-(1) At the place and on the appointed date and hour, the Revising Judge shall hold an open court for the hearing of the applications and shall proceed to determine such applications and to rectify the list in

Form 4.

accordance with any decision reached thereon, writing his initials against every such rectification and such decision shall be final and conclusive and no appeal shall lie therefrom,

- (2) The Revising Judge shall, for the purposes of the hearing of the applications as hereinbefore provided, have all the powers possessed by a member of a District Court during the hearing of a civil action and shall conduct the hearing in such manner as to him may appear desirable following, however, as nearly as possible the same procedure as the procedure followed in a court of law for the hearing of a civil action.
- (3) At every such hearing, the Commissioner or his representative and the mukhtar of the town or quarter, in respect of which the lists affected by the proceedings were prepared, shall be entitled to attend and take such part in the proceedings as if he were a party thereto in a civil action and the Revising Judge may allow any other person to appear and take such part in the proceedings as to him may seem fit for the proper determination of the matter in issue.
- (4) The Revising Judge may, in his discretion, award costs to any party and such costs may be recovered as a judgment debt and he shall deal with the deposit of ten shillings as hereinbefore in regulation 4 (2) provided:

Provided that no costs shall be awarded against the Commissioner or his representative or a mukhtar,

(5) The Revising Judge may adjourn the hearing from time to time:

Provided that no hearing or adjourned hearing shall be held after the 28th day of April in the year in which the applications are heard.

8. Upon the completion of the rectification of the lists, the Revising Judge shall, not later than the 29th day of April in the year in which the lists are revised, transmit the lists to the Commissioner.

#### PART II.

- I. Between the 10th and the 14th days of January, both inclusive, in each one of the three years following the preparation and revision of the electors lists as in Part I of this Schedule provided, any person who claims that he has become, in the meantime, entitled to be enrolled as an elector for that year may apply to the Commissioner as in Form 2 in this Schedule setting out his claim and giving the particulars therein set out.
- 2.—(1) The Commissioner may, upon enquiry, either accept the application, in which case he shall, not later than the 1st day of March, cause a list of all applications so accepted to be posted outside his office and outside the office of the municipal corporation concerned, or refuse the application, in which case he shall, not later than the day aforesaid, give notice therefor to the applicant.
- (2) Any person, whose name being in the electors roll, objects to the Commissioner's acceptance of an application may, within eight days from the day of the posting of the notice of acceptance as hereinbefore provided, submit his objection to the Commissioner as in Form 5 in this Schedule setting out the grounds of his objection and giving the particulars therein set out.

Form 2.

Form 5.

Any person whose application has been refused by the Commissioner may, within the same period as hereinbefore provided, give notice to the Commissioner as in Form 6 in this Schedule that he requests Form 6. the matter to be considered by a Revising Judge, setting out the grounds on which his request is made and giving the particulars therein set out.

(3) Every application and notice as in paragraph (2) hereof provided shall be accompanied by a deposit of ten shillings and shall be supported by an affidavit on oath as in Form 4 in this Schedule:

Form 4.

#### Provided that—

- (a) where a person objects to the Commissioner's acceptance of the application, such person shall, within the same period, give notice to the person affected either by serving on him a copy of his application or by leaving it at the address shown in the notice posted up by the Commissioner:
- (b) notwithstanding anything in any law or public instrument contained, no fee shall be payable in respect of any such application or affidavit;
- (c) the deposit of ten shillings shall be returned to the applicant if the application is successful or if the Revising Judge so directs, and in every other case it shall be forfeited.
- 3. Upon the expiration of the period in paragraph (2) of regulation 2 of this Part provided, the Commissioner shall transmit all applications and notices received to the Revising Judge and, thereupon, the provisions of regulations 6 and 7 of Part I of this Schedule shall apply mutatis mutandis to this Part as they apply to Part I.
- 4. Upon the determination of the applications and notices, the Revising Judge shall, not later than the 29th day of April in the year in which the electors rolls are revised, transmit the same to the Commissioner with an endorsement of his decision thereon and the Commissioner shall, thereupon, insert in the electors rolls, in their proper alphabetical order and separately for each quarter, the name of every person whose application has been accepted by the Commissioner and not objected to as in paragraph (2) of regulation 2 of this Part provided, as well as all names which should be inserted therein as a result of the decision of the Revising Judge and shall initial and date every such entry.

#### FORM 1.

(Part I.—Reg. 2 (2).)

List of electors in the town or the quarter..... of the town of.....

No.	Surname and name of father (if not the surname)	Name	Occupation	Residential   address   (Street and number)	*General
			1		in the state of th

<sup>\* (</sup>Insert details as may assist better identification of elector, particularly noting his place of birth where possible, and location of his residence and place of occupation.)

### AFFIDAVIT.

1,,
mukhtar of
and and do hereby
azas of
(Sd.)
Sworn/declared and signed by the said
FORM 2.  (Part I.—Reg. 4 (1) and Part II.—Reg. 1.)
To the Commissioner of , of
whose name is not in the electors list for Christians/Moslems for the town
or quarter of the
or quarter in respect of the year(s), hereby claim to have my name inserted
therein.
2. The grounds for my claim are as follows:— (a) I was born on at the state of the
(b) I was on the ordinarily resident within
the municipal limits of
during the two years prior thereto actually resided therein and my
address/es during such residence was/were
3 My occupation is at
and my present residential address is
4. I attach receipt of a deposit of ten shillings with the district
treasury.
Dated
(Sd.),
Hone 9
FORM 3. (Part I.—Reg. 4 (1).)
To the Commissioner of,
I,, of
whose name appears in the electors list for Christians/Moslems for the
town or quarter of the town of heavy apply to have the name
under No. hereby apply to have the name
cf
appearing therein struck off therefrom.  2. The grounds for my application are as follows:—
(Insert full grounds upon which application is based.)
3. Copy of this application has been served on the said
*/left at
being the address shown on the list on the, in the
presence of
4. I attach receipt of a deposit of ten shillings with the district
treasury.
Dated(Sd.)
(Sd.)

<sup>\* (</sup>Strike out words not applicable.)

## FORM. 4.

(Part I.—Reg. 4 (2) and Part II.—Reg. 2 (3).)
I,, of, do hereby swear/solemnly declare that the particulars in this application contained are true in every respect to the best of my knowledge. $(Sd.)$
Sworn/declared and signed by the said
before me on the day of , 19 (Sd.)
FORM 5.
$(D_{int}, TI - D_{int}, \theta, \theta)$
To the Commissioner of
T of, whose
name appears in the electors rolls for Christians/Moslems for the town or quarter
Dated
(Sd.)
* (Strike out words not applicable.)
FORM 6.
(Part II.—Reg. 2 (2).)
To the Commissioner of
Dated
(Sd.)

Repeal of Schedule 1A of the principal Law and substitution of new Schedule.

17. Schedule 1A of the principal Law (as set out in Law 23 of 1942) is hereby repealed and the following Schedule bearing the same number substituted therefor:-

> "SCHEDULE 1A. (Section 17.)

#### VOTERS CARD.

No	in Christian/Moslem electors roll.
This is to	certify that bearer of
is registered a	s a voter on the electors roll and is entitled to vote at the
election of con	incillors for the municipal corporation of
in the year 19.	at the polling station situated at
Dated th	is, 19,
	(Signature)
	Commissioner of"

Duration of existing councils not to be affected.

18. Nothing in this Law shall be deemed to extend or in any way affect the duration of any council holding office on the date of the coming into operation of this Law but the period of duration of every such council shall expire as if this Law had not been enacted.

27th October, 1948.

R. E. TURNBULL, Colonial Secretary.

## No. 35 of 1948.

A LAW TO REGULATE STREET AND HOUSE TO HOUSE COLLECTIONS.

WINSTER, Governor. [27th October, 1948.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as

1. This Law may be cited as the Street and House to Short title. House Collections Law, 1948.