

CYPRUS

IMMOVABLE PROPERTY
(TENURE, REGISTRATION AND
VALUATION)

CHAPTER 224 OF THE LAWS

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CHAPTER 224.

IMMOVABLE PROPERTY.

ARRANGEMENT OF SECTIONS.

<i>Section</i>		<i>Page</i>
1	Short title.	4
PART I. PRELIMINARY.		
2	Interpretation	4
3	Categories of immovable property under Ottoman Laws, abolished ...	5
4	No right, etc., on immovable property except under this Law ...	6
PART II. TENURE.		
<i>Provisions relating to Immovable Property other than Vakf Property.</i>		
5	Extent of private ownership of land	6
6	Ownership of storeys of a building	7
7	Lakes, etc., not privately owned to be vested in the Crown ...	8
8	Public roads and foreshore	8
9	No title by adverse possession as against Crown or registered owner ...	8
10	Title by adverse possession in certain cases	8
11	Rights of way, etc., over immovable property of another ...	9
12	Rights, etc., acquired or exercised in respect of immovable property of another	10
13	Computation of period of thirty years	10
14	Variation of position of right of way, etc., on application of owner of servient tenement	10
15	Watercourses and irrigation channels	10
16	Extent of right of irrigation	11
17	Plantations along public roads	11
18	Power to Governor to exchange Crown property, etc.	12
19	Provisions as to communal property	12
20	Cultivation of land without consent of the Crown or registered owner	14
21	Erections, etc., on immovable property held in undivided shares ...	14
22	Trees, etc., on land deemed to be the property of the owner of the land	14
23	Transfer or mortgage of trees, etc., separately registered to include transfer or mortgage of land	15
24	Option where trees and land belong to different persons	15
25	Option of co-owners of immovable property	17
26	Sections 24 and 25 not to apply in certain cases	17
27	General provisions relating to division, etc., of immovable property	18
28	Power to Director to sell property held in undivided shares in certain cases	18
29	Partition of immovable property held in undivided shares	20
30	Re-adjustment where owner of trees and land is not the same person	21
31	Partition or re-adjustment of immovable property subject to charge	21
32	No partition or re-adjustment without notice	22
33	Compulsory acquisition where re-adjustment impossible	22
34	Partition by co-owners	24
35	Manner of sale	24
<i>Provisions relating to Vakf Immovable Property.</i>		
36	Making of immovable property Vakf	24
37	Registration of Vakf in the name of trustee	25
38	Trees, etc., held as Vakf on non-Vakf land and <i>vice versa</i>	25
PART III. REGISTRATION.		
39	Immovable property registration districts	25
40	Validity of certain transactions affecting immovable property	25

<i>Section</i>	<i>Page</i>
41 Registration of immovable property in the name of religious corporation	26
42 Compulsory registration of unregistered property	26
43 General registration	26
44 Procedure in individual cases	27
45 Procedure on general registration	27
46 Director may register upon failure of unregistered owner to register ...	28
47 Fees on compulsory registration	29
48 Payment of fee in voluntary registration deferred in certain cases ...	29
49 Registration of property registered in the name of a deceased person, in name of persons claiming title thereto	29
50 Mode of determining area of registered land	30
51 Register and other books	30
52 Certification of registration	31
53 Separate certificate for co-owners	31
54 Power to Director to effect registration of shares	31
55 Record of easement in register and certificate of registration	31
56 Certificate of registration to include certain properties... ..	31
57 No separate registration for anything standing on land	31
58 Determination of disputes as to boundaries	31
59 Lost or destroyed certificates	32
60 Power to require information, etc., in relation to immovable property	32
61 Power to correct errors and omissions	32
62 Seals	33
63 Mukhtar to report death of owner of immovable property	33
64 Rewards to mukhtars	33
65 Court proceedings relating to claims to immovable property	33

PART IV.

VALUATION.

66 Valuation of immovable property not previously valued	33
67 Revaluation	34
68 Valuers	34
69 General valuation of immovable property	34
70 Procedure on general valuation	35
71 Procedure on valuation or revaluation of particular properties	36
72 Valuation or revaluation of property held in undivided shares	36
73 Valuation to be effective until revised	37
74 Deposits by persons objecting to valuation or revaluation	37

PART V.

MISCELLANEOUS.

75 Notices	38
76 Compensation to infants, etc.	39
77 Agent to represent owner	39
78 Power of entry, etc., to the Director or valuer	39
79 Offences	39
80 Appeals from decisions of Director	40
81 Decision of Court when final	40
82 Village authorities and certificates	41
83 Fees by village authorities	42
84 Specimen of signatures of mukhtas and azas	42
85 Rules of Court	42

SCHEDULES.

FIRST SCHEDULE.

Regulations	42
--------------------	----

SECOND SCHEDULE.

Oath by valuer	44
-----------------------	----

THIRD SCHEDULE.

Certifications	44
-----------------------	----

FOURTH SCHEDULE.

Fees	44
-------------	----

1949
Cap. 231.
8 of 53.
7 of 54.
10 of 54.

A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO
TENURE, REGISTRATION AND VALUATION OF IMMOVABLE
PROPERTY.

[1st September, 1946.]

Short title.

1. This Law may be cited as the Immovable Property
(Tenure, Registration and Valuation) Law.

PART I.

PRELIMINARY.

Interpreta-
tion.

2. In this Law—

“adverse possession,” with its grammatical variations and cognate expressions, means a possession by a person not entitled thereto where the express or implied consent or permission of the person so entitled has not been given or obtained for such possession;

“the Court,” in connection with any matter relating to immovable property, means the District Court of the district in which such property is situate;

“Director” means the Director of Lands and Surveys and includes any officer appointed by the Director for all or any of the purposes of this Law either generally or for any particular purpose;

“dealing,” with its grammatical variations and cognate expressions, in relation to immovable property, means the voluntary transfer or mortgage of immovable property and any other voluntary charge or transaction affecting immovable property required by any Law in force for the time being to be carried out in a District Lands Office;

“immovable property” includes—

- (a) land;
- (b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure;
- (c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance;
- (d) springs, wells, water and water rights whether held together with, or independently of, any land;
- (e) privileges, liberties, easements and any other rights and advantages whatsoever apper-

taining or reputed to appertain to any land or to any building or other erection or structure;

(f) an undivided share in any property hereinbefore set out.

“ District Lands Office ” means the office of the Department of Lands and Surveys for the district and includes any sub-office in the district;

Provided that only such transactions shall be carried out in a sub-office as may be authorized from time to time by the Director;

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

“ public road ” means any street, square, pathway, open place or space over which the public has a right of way and includes any land set apart by, or with the consent of, the appropriate authority as a public road;

“ registered, ” with its grammatical variations and cognate expressions, means recorded in the Land Register kept under the provisions of this Law;

“ registration fee ” means the fee payable in respect of the registration of title to immovable property under any Law in force for the time being;

“ religious corporation ” includes any religious establishment or religious institution belonging to any denomination and any throne, church, chapel, monastery, mosque, tekya, shrine or synagogue;

“ value, ” in connection with immovable property, means the amount which the immovable property if sold in the open market by a willing seller to a willing purchaser might be expected to realize. ^{2 of 8/53.}

3. (1) The categories of immovable property hitherto known under the Ottoman Land Code as “ Mulk, ” “ Arazi Memlouké, ” “ Arazi Mirié, ” “ Arazi Metrouké ” or “ Arazi Mevat ” shall be abolished and thereafter all immovable property whatsoever shall be owned, held and enjoyed subject to and in accordance with the provisions of this Law or any other Law in force for the time being.

Categories
immovable
property
under
Ottoman
Laws,
abolished.

(2) All immovable property hitherto known as “ Mulk ” or “ Arazi Memlouké ” and privately owned as such at the date of the coming into operation of this Law shall continue to be owned, held and enjoyed as private property.

(3) All immovable property known as "Arazi Mirié" and privately possessed as such at the date of the coming into operation of this Law shall be owned, held and enjoyed as private property.

(4) All immovable property which at the date of the coming into operation of this Law is held, administered and enjoyed as Vakf property in accordance with the provisions of the Cyprus Evcaf (Mohammedan Religious Property Administration) Order and Law, 1928 and 1934, shall continue to be so held, administered and enjoyed as if this Law had not been passed subject only to the provisions of sections 36, 37 and 38 of this Law.

(5) All immovable property hitherto known as "Arazi Metrouké" lawfully held or enjoyed communally by a town, village or quarter at the date of the coming into operation of this Law shall continue to be held or enjoyed as the communal property of such town, village or quarter.

(6) All immovable property hitherto known as "Arazi Mevat" and all immovable property other than that specified in subsections (2) to (5) of this section and all vacant or unoccupied immovable property not privately owned or lawfully possessed at the date of the coming into operation of this Law shall be owned, held and enjoyed by the Crown as Crown property.

No right,
etc., on
immovable
property
except under
this Law.
3 of 8/53,
Cap. 8.

4. Notwithstanding anything in paragraph (c) of subsection (1) of section 33 of the Courts of Justice Law contained and subject to the law relating to trusts, the law relating to vakfs and the provisions of any other Law in force for the time being, no estate, interest, right, privilege, liberty, easement or any other advantage whatsoever in, on or over any immovable property shall subsist or shall be created, acquired or transferred except under the provisions of this Law.

PART II.

TENURE.

Provisions relating to Immovable Property other than Vakf Property.

Extent of
private
ownership
of land.

5. (1) Private ownership of any land shall, subject to the provisions of this Law or any other Law in force for the time being, extend to the surface and to the substance of the

earth beneath the surface and to the space above the surface, reasonably necessary for the enjoyment thereof, but shall not extend to minerals:

Provided that the private ownership of any land being land which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the District Lands Office before the coming into operation of this Law, shall extend to the substance of the earth beneath the surface without any restriction as aforesaid.

(2) For the purposes of this section—

“minerals” includes all materials of economic value forming part of, or derived naturally from, the crust of the earth including mineral oil, pitch, asphalt and natural gas but not minerals whilst in solution or peat, trees, timber and similar kinds of forest produce.

(3) Nothing contained in this section or in any survey map deposited in the District Lands Office under the proviso to subsection (1) of this section shall diminish or enlarge any rights, conferred under a mining lease granted by or on behalf of the Government under any Law relating to mines in force for the time being and subsisting at the date of the coming into operation of this Law; but such rights shall continue to be enjoyed, during the continuance of such lease, to the same extent as if this Law had not been enacted.

6. (1) When a building consists of more than one storey, 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.

Ownership
of storeys of
a building.

(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 main corridors thereof and any other part of the ground or building which is of common use to the owners of the various storeys, shall be owned, held and enjoyed by all of them in undivided shares.

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

(4) Subject to any agreement between themselves, the

owners of the several storeys 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.

Lakes, etc., not privately owned to be vested in the Crown.

7. All lakes, rivers, streams and natural watercourses which are not privately owned at the date of the coming into operation of this Law and the basins, beds, or channels thereof, and any land from which the sea or the water of any such lake, river, stream or watercourse has receded, with the exception of any such land as is privately owned at the date aforesaid, shall be vested in the Crown:

Provided that nothing in this section contained shall be construed as affecting any rights over any lake, river, stream or natural watercourse which—

- (a) have been exercised without interruption for the full period of thirty years before the date aforesaid; or
- (b) have been conferred by a Firman or other valid document of title made before the 4th June, 1878, which has been acted upon from the time when it was made; or
- (c) are exercised under the provisions of any Law in force for the time being.

Public roads and foreshore.

8. All public roads and such part of the foreshore as is not privately owned at the date of the coming into operation of this Law shall be vested in the Crown for the use of the public.

No title by adverse possession as against Crown or registered owner.
Title by adverse possession in certain cases.

9. No title to immovable property shall be acquired by any person by adverse possession as against the Crown or a registered owner.

10. Subject to the provisions of section 9 of this Law, proof of undisputed and uninterrupted adverse possession by a person, or by those under whom he claims, of im-

movable property for the full period of thirty years, shall entitle such person to be deemed to be the owner of such property and to have the same registered in his name:

Provided that nothing in this section contained shall affect the period of prescription with regard to any immovable property which began to be adversely possessed before the commencement of this Law, and all matters relating to prescription during such period shall continue to be governed by the provisions of the enactments repealed by this Law* relating to prescription, as if this Law had not been passed:

Provided further that notwithstanding the existence of any disability operating under such enactments to extend the period of prescription such period shall not in any case exceed thirty years in all even where any such disability may continue to subsist at the expiration of thirty years.

11. (1) No right of way or any privilege, liberty, easement, or any other right or advantage whatsoever shall be acquired over the immovable property of another except—

Rights of way, etc., over immovable property of another.

- (a) under a grant from the owner thereof duly recorded in the books of the District Lands Office; or
- (b) where the same has been exercised by any person or by those under whom he claims for the full period of thirty years without interruption: Provided that the provisions of this paragraph shall not apply to any immovable property which is Crown property or property vested in the Crown; or
- (c) where the same has been recognized by a judgment of a competent Court; or
- (d) where the same has been conferred by a Firman or other valid document made before the 4th June, 1878, which has been acted upon from the time when it was made; or
- (e) where the same has been created and acquired under the provisions of the Land Acquisition Law or of any other Law under which immovable property can be compulsorily acquired.

+ of 8/53.

Cap. 226.

(2) No person shall exercise any right of way or any privilege, liberty, easement or any other right or advantage whatsoever over the immovable property of another except where the same—

* See page 45.

- (a) has been acquired as in subsection (1) of this section provided; or
- (b) is exercised under the provisions of any Law in force for the time being; or
- (c) is exercised under a licence in writing from the owner thereof.

Rights, etc.,
acquired or
exercised in
respect of
immovable
property.

12. (1) Where any right, privilege, liberty, easement or other advantage has been acquired as in subsection (1) of section 11 of this Law in respect of any immovable property, the same shall be deemed to be attached to such property and to be included in any dealing made with such property.

(2) Where any such right, privilege, liberty, easement or other advantage has been abandoned by notice in writing to the District Lands Office or has not been exercised for the full period of thirty years without interruption, the same shall be deemed to have lapsed.

Computation
of period
of thirty
years.

13. The period of thirty years prescribed in sections 10, 11 and 12 shall be deemed and taken to be the period next before the date on which a claim under the said sections may be made.

Variation of
position of
right of
way, etc., on
application
of owner of
servient
tenement.

14. The Director may, on the application of the owner of the servient tenement and after thirty days' notice given therefor to the owner of the dominant tenement, fix or vary the position or direction of any right of way or watercourse or channel, but only so that the dominant tenement is not substantially affected or prejudiced thereby; and if after such notice the owner of the dominant tenement fails to appear the Director may proceed to act in his absence.

Water-
courses and
irrigation
channels.

15. (1) Where any plots of land belonging to different owners are irrigated by a watercourse or channel, any owner may apply to the Director for the variation of the position or direction of such watercourse or channel in his plot and the Director may, after giving thirty days' notice to any owner whose land will be affected by such variation, vary the position or direction of the same, but only so that the interests of any such owner other than the applicant are not substantially affected or prejudiced thereby. If after such notice, the person to whom the notice has been given fails to appear, the Director may proceed to act in his absence.

(2) Where more persons than one are entitled to water

flowing through a watercourse or channel, all such persons shall, with a view to preventing any waste of water—

- (a) clean and keep in proper repair and condition such watercourse or channel, and each one of them shall be liable for the expense involved in proportion to his share in the water; and
- (b) close his main opening of the watercourse or channel as soon as his land has been irrigated or the time during which he is entitled to use the water has expired.

(3) If any person fails or neglects to comply with the provisions of subsection (2) of this section any other person or persons interested in the matter may take all such steps as may be reasonably necessary for the prevention of waste and may recover the amount for which the person in default may be liable, by civil action.

(4) The provisions of this section shall not apply to irrigation divisions formed under the Irrigation Divisions (Villages) Law.

Cap. 342.

16. Wherever any person acquires or possesses any right of irrigation, such right shall extend to a right in or over any artificial or other channel, watercourse, aqueduct, well or chain of wells formed for the distribution of the water to which such right relates; and a space of not more than five feet from either edge of such channel, watercourse, aqueduct, well or chain of wells as may be required for the cleaning, repairing or protection thereof shall be deemed to form part thereof, and such space shall not be interfered with, cultivated or planted by the owner of the land on either side of the channel, watercourse, aqueduct, well or chain of wells.

Extent of right of irrigation.

17. (1) No person shall plant any tree, shrub or reed on any immovable property adjacent to a public road at a distance less than five feet away from the boundary of such property along the public road without first obtaining a licence from such person as may be appointed by the Governor in that behalf (hereinafter in this section called "the authority").

Plantations along public roads.

(2) The Government may plant any tree, shrub or reed on any immovable property adjacent to a public road within five feet of the boundary of such property along the public

road notwithstanding that such property belongs to another person; and any tree, shrub or reed so planted shall be the property of the Crown.

All trees, shrubs or reeds so planted before the commencement of this Law by or under the authority of the Government shall be deemed to have been lawfully planted under the provisions of this Law and shall be the property of the Crown.

(3) When the land upon which a tree, shrub or reed has been planted under the provisions of subsection (2) of this section is subsequently required for building or irrigation purposes and such tree, shrub or reed interferes with the reasonable use of the land for such purpose, the authority shall, at the request of the owner of the land, remove the same at the expense of the Government.

(4) Any tree, shrub or reed planted after the commencement of this Law in contravention of subsection (1) of this section may be removed by the authority at the expense of the person acting in contravention thereof.

(5) Where the authority is satisfied that any tree, shrub or reed planted within the limits prescribed in subsection (1) of this section before the commencement of this Law causes any damage or undue interference with the reasonable use of any public road or the safety of travelling along any such road, he may, upon giving thirty days' notice to the owner thereof, remove the same at the expense of the Government.

Power to
Governor
to exchange
Crown Pro-
perty, etc.

18. The Governor may grant, lease, exchange or otherwise alienate any Crown property or immovable property vested in the Crown by virtue of the provisions of this Law, other than a public road or the foreshore, for any purpose and on such terms and conditions as he may deem fit:

Provided that the Governor may exchange or alienate any part of any public road if satisfied that other adequate public road has been provided in the place thereof or that such exchange or alienation will improve such public road:

Provided also that the Governor in Council may lease any part of the foreshore for the purposes of harbours, jetties, piers, wharves, fisheries and any other purpose of public utility subject to such conditions as he may think fit.

Provisions
as to
communal
property.
5 of 8/53.

19. Where by law or custom any immovable property (in this section referred to as "the communal property") is

held or enjoyed communally by any town, village or quarter, the following provisions shall have effect, that is to say:—

- (a) the inhabitants of such town, village or quarter shall have in common, to the exclusion of all persons not being inhabitants thereof, the right of holding or enjoying the communal property subject to any conditions under which the communal property is by law or custom held or enjoyed;
- (b) no person shall have or acquire at any time any private or exclusive right to the communal property or to any part thereof;
- (c) where the communal property or any part thereof is required for any of the following purposes, that is to say—
 - (i) the formation of a village or quarter;
 - (ii) reclamation;
 - (iii) soil conservation;
 - (iv) mining;
 - (v) an undertaking of public utility,

the Governor may, by notice in the Gazette, declare that such property or part thereof shall cease to be communal property:

Provided that in every such case Crown property of equal utility as the communal property shall, if available, be assigned in lieu thereof or, if Crown property is not available, a sum equal to the value of the communal property, as determined by the Director, shall be provided and disposed of for the benefit of such town, village or quarter;

- (d) where by law or custom the communal property is held or enjoyed by any town, village or quarter for any particular use, the Governor may, upon a request from at least two-thirds of the male inhabitants of such town, village or quarter, who have attained the age of twenty-one years, and upon being satisfied that such use is no longer in the interest of such town, village or quarter, terminate such use and either substitute some other use therefor or dispose of the property in such manner as he may deem fit:

Provided that any such alternative use or the proceeds of any such disposal shall be or disposed of for the benefit of such town, village or quarter.

Cultivation of land without the consent of the Crown or of registered owner.

20. Where any person cultivates any land belonging to the Crown or to a person registered therefor without the consent in writing of the Crown or of such person, as the case may be, any produce thereof or any profit therefrom shall vest in and be the property of the Crown or of such person, as the case may be, without payment of any compensation whatsoever.

Erections, etc., on immovable property held in undivided shares.
6 of 8/53.

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.

Trees, etc., on land, deemed to be the property of the owner of the land.

22. (1) Anything growing in a wild state on any land shall be deemed to be the property of the owner of the land.

(2) The following provisions shall have effect with regard to—

- (a) any grafted wild tree on any land;
- (b) any tree or vine planted on any land;
- (c) any spring found, or any watercourse or channel opened or constructed in any land;
- (d) any building or other erection or structure erected on any land;
- (e) any fixture affixed to any land or to any building or other erection or structure,

that is to say—

- (i) if grafted, planted, found, opened, constructed, erected or affixed before the date of the coming into operation of this Law, it shall be deemed to be the property of the owner of the land unless another person is registered as the owner thereof or, being entitled to be so registered, applies for registration within two years from the date of the coming into operation of this Law or within two years from the date on which he became so entitled;
- (ii) if grafted, planted, found, opened, constructed, erected or affixed after the date of the coming into operation of this Law, it shall be deemed to be the property of the owner of the land,

and any dealing affecting such land shall be deemed to include any such wild tree, tree, vine, spring, watercourse, channel, building, erection, structure or fixture, being the property of the owner of the land.

(3) Nothing in this section shall apply to or affect—

- (a) any instrument or thing which is the subject of any hire-purchase agreement under any Law in force for the time being relating to such agreements;
- (b) any fixture affixed by a tenant to any land or building or other erection or structure for the purposes of trade or agriculture or for ornament and convenience, which the tenant has a right to sever and remove during the term or at the end of his tenancy.

23. Where any trees, vines or other thing planted or growing upon any land though belonging to the owner of the land are separately registered in his name he shall not be entitled to transfer or mortgage the same unless he transfers or mortgages the land on which they stand; and any transfer or mortgage of any such trees, vines or other thing planted or growing upon any such land shall be deemed to include the transfer or mortgage of the land belonging to the same owner.

Transfer or mortgage of trees, etc., separately registered to include transfer or mortgage of land.

24. (1) Subject to the provisions of section 26 of this Law, when any trees, vines or other thing or any buildings or other erections or structures are planted, grow, or are erected, upon any land belonging to a person other than the owner of any such trees, vines, thing, building, erection or structure and either of the said owners has made a declaration before the District Lands Office that he has agreed to sell his interest to a third party, the transfer of the interest shall not be registered unless—

Option where trees and land belong to different persons.

- (a) the owner selling his interest satisfies the Director that the other owner does not wish to purchase such interest at the price at which it is being sold; or
- (b) the prospective purchaser advertises the proposed sale thereof or brings it to the knowledge of the other owner as in subsection (2) of this section provided and the other owner does not acquire the same under this section.

7 (a) of 8/53.

(2) The proposed sale shall be advertised in such form and

7 (b) of 8/53. in such newspaper or newspapers as the Director may require, or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require, and the owner of the other interest may, upon lodging in the District Lands Office, within thirty days of the advertisement or the service of the notice, the price at which the vendor's interest is being sold together with the registration fee, be registered for the same; and the amount so lodged shall thereupon be paid out to the party who joined in the declaration of sale as purchaser:

2 (a) of 4/54. Provided that where such other interest is owned in undivided shares and two or more of the co-owners thereof act as hereinbefore provided independently of one another, the Director shall register the vendor's interest in the name of such co-owners as have so acted in the proportion which their shares bear to one another; and he shall, thereafter, make the appropriate re-adjustments and refunds of the amounts lodged to the persons entitled thereto:

Provided further that where there are separately owned interests in immovable property standing on any land declared to be sold and two or more of the owners of such separately owned interests act as hereinbefore mentioned independently of one another, the Director shall cause the value of the interests of the owners who have so acted to be estimated and shall register the vendor's land in the name of the owner whose interest is of the greatest value and, where the interests of two or more owners who have so acted are equally of the greatest value or the interests of all such owners are of equal value, he shall register the vendor's land in the name of such owners in equal shares; and he shall, thereafter, make the appropriate re-adjustments and refunds of the amounts lodged to the persons entitled thereto.

2 (b) of 4/54. (3) Before registering the transfer of any interest declared to be sold, the Director may require the person selling such interest and the prospective purchaser thereof to declare in writing whether any other interest belonging to a third party is connected with the interest agreed to be sold; and any person who knowingly and with fraudulent intent makes or causes to be made any false statement in such declaration shall be punishable in the same way as though he had given false evidence in any judicial proceeding.

7 (d) of 8/53. (4) For the purposes of this section, "land" includes any trees, vines or other thing or any buildings or other erections or structures, planted, growing or erected upon any land and belonging to the owner of such land.

25. (1) Subject to the provisions of section 26 of this Law, when an owner of an undivided share in any immovable property makes a declaration before the District Lands Office that he has agreed to sell the same to a person who is not a registered co-owner in the same property, the transfer of such share shall not be registered unless—

Option to co-owners of immovable property.
3 of 4/54.

- (a) the vendor satisfies the Director that the other registered co-owners do not wish to purchase his share at the price at which it is being sold; or
- (b) the prospective purchaser advertises the proposed sale thereof or brings it to the knowledge of the other owner as in subsection (2) of this section provided and no registered co-owner acquires the share thereunder.

8 (a) of 8/53.

(2) The proposed sale shall be advertised in such form and in such newspaper or newspapers as the Director may require, or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require, and any registered co-owner may, upon lodging in the District Lands Office, within thirty days of the advertisement or the service of the notice, the price at which the vendor's share is being sold together with the registration fee, be registered for such share; and the amount so lodged shall thereupon be paid out to the person who joined in the declaration of sale as purchaser:

8 (b) of 8/53.

8 (c) of 8/53.

Provided that if more than one registered co-owner acts as hereinbefore provided, the Director shall register, in the name of such co-owners as are willing to proceed with the purchase, the vendor's share in the proportion which their shares bear to one another. The Director shall, thereafter, make the appropriate re-adjustments and refunds of the amount lodged to the persons entitled thereto.

26. Nothing in sections 24 and 25 contained shall apply to a declaration of sale made under a written contract of sale entered into before the coming into operation of this Law:

Sections 24 and 25 not to apply in certain cases.

Provided that such contract is presented to the District Lands Office within three months from the date of the coming into operation of this Law by any party thereto for an endorsement thereon of the date of such presentation; and such endorsement shall be conclusive evidence that the contract had been so presented.

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 contravenes any one of such provisions, that is to say—

- (a) no building site shall be divided into separate holdings except in accordance with the provisions of any Law or regulation in force for the time being;
- (b) no vineyard, orchard, grove, or land irrigated 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 used for agricultural purposes which is not irrigated 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 Director 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 Law, 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 Law 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.

Power to Director to sell property held in undivided shares in certain cases.

28. (1) Where immovable property is held in undivided shares but the partition thereof among the co-owners cannot be made without contravening the provisions of section 27 of this Law, any co-owner may apply to the Director for a certificate to the effect that partition of the property is impossible by reason of the said provisions, and upon being furnished with such certificate such co-owner may serve a

notice on the other co-owners in Cyprus together with a copy of such certificate informing them that, unless within thirty days after service they can agree to an arrangement whereby the property is allocated to one person or divided in a manner which does not contravene any of the said provisions, he will apply to the Director to put up the property for sale by auction; and the Director, upon proof of such service and upon being satisfied that no arrangement as hereinbefore has been agreed upon, may, at his discretion and without any further notice and notwithstanding the absence of any co-owner from Cyprus, proceed to sell the property by auction, and distribute the proceeds, after deducting the expenses of such sale, among the persons entitled thereto according to their respective rights in the property:

4 (a) of 4/54.

9 (a) of 8/53.

Provided that where, by reason of the value of the property or of the number of the co-owners or for any other reason, it appears to the Director that the service of the notice and copy of the certificate aforesaid on the other co-owners in Cyprus can be dispensed with, there may be published in lieu thereof, at the expense of any co-owner, a notice to the other co-owners in such form and in such newspaper or newspapers as the Director may require; and the date of publication in the newspaper or the last of the newspapers, as the case may be, shall be deemed to be the date of service of the notice for the purposes of this subsection.

9 (b) of 8/53.

(2) Where immovable property, the registered value of which is less than ten pounds, is held in undivided shares but the partition thereof among the co-owners cannot be made without contravening the provisions of section 27 of this Law, the Director may cause a notice to be posted up to the effect that, unless the Director is informed by the owners of the said property within thirty days of the posting up of such notice that they have agreed to an arrangement whereby the property is allocated to one person or divided in a manner which does not contravene the provisions of subsection (1) of section 27 of this Law, the Director shall put up the property for sale by auction; and the Director on being satisfied that no such arrangement as hereinbefore has been agreed on, may, at his discretion and without further notice, proceed to sell the property by auction and distribute the proceeds, after deducting the expenses of such sale, among the persons entitled thereto according to their respective rights in the property.

4 (b) of 4/54.

(3) The provisions of subsections (1) and (2) of this

9 (c) of 8/53.

section shall apply to any immovable property which is held in undivided shares but cannot be partitioned among the co-owners without contravening the provisions of section 27 of this Law, notwithstanding that such property, together with other properties held in undivided shares by the same co-owners, might be partitioned as in subsection (2) of section 29 of this Law provided.

Partition of immovable property held in undivided shares.

29. (1) Where immovable property is held in undivided shares, it shall be lawful for the Director, on the application of any co-owner, to cause a partition of the property to be made amongst the several parties entitled thereto and to register the holdings into which the property is divided in the names of the persons to whom the same are respectively allotted.

(2) Where the property to be partitioned consists of several parcels, the total value of all such parcels shall be taken as the basis of the partition, and the partition may be carried out either by partitioning each parcel separately or by partitioning the parcels as a whole, whichever would, in the Director's opinion, be in the best interests of all persons concerned:

Provided that where a building is used as a dwelling house by any of the co-owners it shall not be included in the partition except with the consent of the co-owner or co-owners by whom it is so used.

5 of 4/54.

(3) In making a partition under the provisions of this section the Director shall, as far as possible, apportion the property in accordance with the wishes of the several co-owners, and if the co-owners, though otherwise agreeing with the partition, do not agree as to the holding or holdings to be allotted to each one of them, the question shall be finally determined by the drawing of lots by the Director.

(4) Where by reason of the nature of the property to be partitioned or of the number of the parties interested therein or for any other reason, it appears to the Director that it is not practicable to allot holdings of a value corresponding to the respective shares of the co-owners, the Director may order that those co-owners who take holdings of greater value than their due shall pay to those who take holdings of less value than their due or take no holding at all, such compensation as the Director may determine having regard to their respective shares and the values which he allocates to the holdings.

(5) Upon the making of an order under the provisions of subsection (4) of this section the Director shall give notice therefor to all persons affected by the partition.

(6) If a co-owner ordered to pay compensation to another co-owner under the provisions of this section fails to pay the same within forty-two days after the date of the final order, the Director may put up the holding or holdings allotted to the co-owner in default to sale by auction and pay such compensation out of the proceeds.

(7) Where compensation has been ordered to be paid by a co-owner, under the provisions of this section, such co-owner shall not be entitled to deal with the holding allotted to him before the compensation ordered is paid except with the consent of the person to whom the same is payable.

30. (1) Where any tree, vine, building or other erection or structure is owned by a person other than the owner of the land whereon the same is standing, the Director may on the application of any person having an interest in the land, tree, vine, building or other erection or structure, effect a re-adjustment of the interests of the parties therein so as to ensure that in no case shall a tree, vine, building or other erection or structure be owned by a person other than the owner of the land whereon the same is standing.

Re-adjustment where owner of trees and land is not the same person.

(2) In making such re-adjustment, where any share to which any person would have been entitled is so small that a holding cannot be allocated to him without contravening the provisions of paragraphs (a), (b), (c) and (d) of subsection (1) of section 27 of this Law, the Director may order that his share shall be allotted to any other owner of land, trees, vines, buildings or other erections or structures in respect of which the re-adjustment is made, upon payment to the person whose share is being so allotted of such compensation as the Director may determine.

(3) Upon the making of an order under the provisions of subsection (2) of this section the Director shall give notice therefor to all persons affected by the re-adjustment and thereafter the provisions of subsections (6) and (7) of section 29 of this Law shall apply *mutatis mutandis* to this section as they apply to the said section.

31. Where any immovable property to which section 29 or 30 of this Law applies or any share therein is subject to any charge under the provisions of any Law in force for the time

Partition or re-adjustment of immovable

property
subject to
charge.

being, it shall be lawful for the Director to proceed with the partition or re-adjustment of such property in accordance with the provisions of the section applicable thereto and to make such charge a charge upon that portion of the property which is allotted to the person against whom the charge operates:

Provided that any compensation payable under section 29 or 30 of this Law shall be paid to the person in whose favour the charge operates.

No partition
or re-adjust-
ment
without
notice.

32. No partition or re-adjustment shall be made under the provisions of section 29 or 30 of this Law unless the Director gives thirty days' previous notice therefor to all parties affected thereby and if after such notice any person to whom such notice had been given fails to appear the Director may proceed to act in his absence.

Compulsory
acquisition
where re-
adjustment
impossible.
10 of 8/53.

33. (1) Where on any land there are trees, vines, buildings or other erections or structures belonging to a person other than the owner of the land and it is found impossible by the Director to make a re-adjustment under the provisions of section 30 of this Law, the following provisions shall have effect, that is to say—

- (a) the owner of such land may, if registered therefor and if the estimated value of such land or the estimated aggregate value of such land and any trees, vines, buildings or other erections or structures thereon belonging to the owner of the land is greater than the estimated value of the trees, vines, buildings or other structures belonging to the other person, acquire the same compulsorily upon payment to the owner thereof of their value:

Provided that where the land is owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the trees, vines, buildings or other erections or structures acquired hereunder as he owns in the land:

Provided also that where on any land there are separately owned trees, vines, buildings or other erections or structures, the right hereby conferred on the owner of the land may be exercised

by him in respect of all the trees, vines, buildings or other erections or structures belonging to any one or more owners;

- (b) the owner of such trees, vines, buildings or other erections or structures may, if registered therefor and if the estimated value of such trees, vines, buildings or other erections or structures is greater than the estimated value of the land or the estimated aggregate value of the land and any trees, vines, buildings or other erections or structures thereon belonging to the owner of the land, acquire the land compulsorily upon payment to the owner thereof of its value:

Provided that where any such trees, vines, buildings or other erections or structures are owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the land acquired hereunder as he owns in such trees, vines, buildings or other erections or structures:

Provided also that, where by reason of any trees, vines, buildings or other erections or structures standing on any land being separately owned, two or more persons seek to acquire the same land independently of one another, there shall be preferred the person or persons whose trees, vines, buildings or other erections or structures are estimated to be of greater value than the trees, vines, buildings or other erections or structures belonging to another person or persons seeking to acquire the same and, where trees, vines, buildings or other erections or structures belonging to different person or persons seeking to acquire the same land are estimated to be of equal value, the land shall be acquired by them in equal shares.

- (2) For the purposes of this section the value of any property which has to be estimated shall be estimated by the Director with the assistance of the mukhtar of the village or quarter within which the property is situate or of his representative, or where the interested parties belong to different communities, each having a mukhtar of its own, with the

assistance of both mukhtars or their representatives: Provided that the estimate made by the Director shall be valid for the purposes of this section even if any such mukhtar or his representative fails to give assistance in the making of the estimate.

(3) Upon the making of an estimate under the provisions of subsection (2) of this section the Director shall give notice therefor to all persons affected thereby.

First
Schedule.

(4) Proceedings under this section shall be in accordance with the Regulations in the First Schedule to this Law, which may be amended from time to time by the Governor in Council.

Partition by
co-owners.

34. Where any immovable property held in undivided shares has been partitioned by the co-owners the Director may, on application for the registration of the property so partitioned, direct registration of the property to be effected in accordance with the terms of the partition if they do not contravene the provisions of section 27 of this Law:

Provided that where any property or any share therein involved in the partition is subject to any charge under the provisions of any Law in force for the time being, the partition shall not be registered unless the person in whose favour the charge operates gives his consent in writing.

Manner
of sale.

35. Every sale made under this Part of this Law shall be made in accordance with the provisions of any Law relating to sales by public auction and the Rules of Sale in force for the time being:

11 of 8/53.

Provided that the Director may prescribe the maximum number of persons who, acting jointly, may be allowed to bid at an auction for a property put up for sale under the provisions of section 28 of this Law.

Provisions relating to Vakf Immovable Property.

Making of
immovable
property
Vakf.

36. (1) Any immovable property which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the District Lands Office before the coming into operation of this Law and which is registered in the name of any person who professes the Moslem faith may, by a valid deed of dedication, be made Vakf.

(2) Any immovable property which lies outside the areas

mentioned in subsection (1) of this section registered in the name of any person who professes the Moslem faith which is sufficiently planted with trees or vines or covered with buildings, to the satisfaction of the Director, may, by a valid deed of dedication, be made Vakf:

Provided that a fee equal to one-fourth of the registered value of such property shall be paid into the revenue of the Colony by the owner, and that no such property shall be made Vakf until such fee has been paid.

37. Whenever any immovable property is made Vakf after the commencement of this Law, such property shall be registered in the name of the person entitled under the deed of dedication to be the trustee thereof for the time being.

Registration of Vakf in the name of trustee.

38. Where any tree, vine, building or other erection or structure held as Vakf stands on land which is not Vakf, or *vice versa*, the Director may, on the application of any person having an interest in the land, tree, vine, building or other erection or structure, effect a re-adjustment of the interests of the parties so as to ensure that in no case shall a tree, vine, building or other erection or structure be held as Vakf independently of the land, or *vice versa*, and in making such re-adjustment there shall be applied the provisions of section 30 of this Law as far as possible.

Trees, etc., held as Vakf on non-Vakf land and *vice versa*, 12 of 8/53.

PART III.

REGISTRATION.

39. The districts constituted under the Administrative Divisions Law, shall be immovable property registration districts for the purposes of this Part of this Law.

Immovable property registration districts. Cap. 23.

40. (1) No transfer of, or charge on, any immovable property shall be valid unless registered or recorded in the District Lands Office.

Validity of certain transactions affecting immovable property.

(2) No transfer or voluntary charge affecting any immovable property shall be made in the District Lands Office by any person unless he is the registered owner of such property:

Provided that the executor or administrator of an estate of a deceased person shall, for the purposes of this subsection, be deemed to be the registered owner of any immovable property registered in the name of the deceased.

Registration of immovable property in the name of religious corporation.

41. (1) Any immovable property belonging or attached to a religious corporation at the date of the coming into operation of this Law which is not already registered in its name, and any immovable property which, though registered in the name of some person, is held for or on behalf of a religious corporation at that date, may be registered in the name of such corporation:

13 of 8/53.

Provided that the corporation shall apply to the District Lands Office not later than eight years after that date for the property to be so registered, and, where the Director so requires, shall pay the fees prescribed for local inquiry:

(2) After the expiration of the period mentioned in subsection (1) of this section no claim of title to or in connection with any immovable property by any religious corporation shall be valid or shall be entertained or recognized in any Court or District Lands Office unless the corporation files together with the writ a certificate of the Director that it has applied to the District Lands Office within the period in subsection (1) of this section mentioned for the property to be registered in its name and, where the Director so required, paid the fees prescribed for local inquiry:

Provided that nothing in this subsection contained shall apply to any immovable property which is already registered in the name of the religious corporation or which has been lawfully acquired by such corporation by transfer from a registered person after the commencement of this Law.

(3) No transfer fee shall be levied upon the registration of any immovable property in the name of a religious corporation by transfer from a registered person who held the property for or on behalf of the corporation.

(4) Any transfer or voluntary charge affecting immovable property registered in the name of a religious corporation may be declared in the District Lands Office by the head of the corporation or his duly authorized representative.

Compulsory registration of unregistered property.

42. When any immovable property is not registered in the name of the person entitled to be registered as the owner thereof, the Director may, subject to the provisions of section 44 of this Law, compel the registration of such property to be made in the name of such person.

General registration.

43. (1) The Director may order a general registration to be made of all the immovable property in any town, village or quarter or any specified part thereof in the name of its respective owners:

Provided that no general registration shall be made of any such property where a general registration thereof has already been made whether under the provisions of this Law or under any other Law hereby repealed.*

(2) Where any immovable property in any town, village or quarter or any specified part thereof for which the Director has ordered a general registration to be made is already registered on the date of such order, the Director may relate the registration of such immovable property to the plan used as the basis of the general registration and may make a new edition of such registration for the sake of a more accurate definition of such property or greater clearness including a different description of the boundaries, area or registration number:

Provided that no such new edition shall be made unless the Director had included in the statement furnished to the mukhtar, as provided in section 45 of this Law, particulars of the properties affected thereby:

Provided further that no fee whatsoever shall be charged for any such new edition.

44. (1) When the Director proposes to compel registration of any immovable property to be made in the name of any person under the provisions of section 42 of this Law, he shall give him notice thereof calling upon him, within sixty days from the date of the giving of the notice to cause such property to be registered in his name or to show cause why such registration should not be made. A notice to the like effect shall also be posted up.

Procedure
in individual
cases.

(2) Every such notice shall contain a description of the immovable property, its extent, boundaries, situation, value, the share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued, together with a statement of the fees payable in respect of the registration.

45. If the Director orders, under section 43 of this Law, a general registration to be made of all or a specified part of the immovable property in any town, village or quarter, he shall furnish the mukhtar of the town, village or quarter with a plan of the town or village lands or of the specified part thereof and of the various holdings as surveyed, together with a statement containing a description of the several holdings, their extent, boundaries, situation, value, the

Procedure
on general
registration.

* See page 45.

share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued together with a statement of the fees payable in respect of the registration and thereupon the following provisions shall have effect—

- (a) the Director shall publish in the Gazette and such other newspaper as the Director may deem necessary a notice informing the public that a general registration will be made giving particulars of the area in respect of which the notice is given, and that the plan and particulars relating to such property have been furnished to the mukhtar, and calling upon all owners generally within sixty days from the date of the publication of the notice in the Gazette to show cause why the property shown as belonging to each one of them in the statement of particulars furnished to the mukhtar should not be registered in his name or a new edition made in accordance with such particulars;
- (b) every person interested in any immovable property to which such notice relates may inspect the plan and statement of particulars at all reasonable times and the mukhtar in charge of such plans and particulars shall at all reasonable times allow any such person to make any extract therefrom or to take any copy thereof free of any charge.

Director
may register
upon failure
of unregis-
tered owner
to register.

46. (1) If within the period in section 45 of this Law provided any objection is made but the Director is of opinion that the registration should nevertheless be effected in the name of the person given in the notice or statement of particulars, he shall give notice thereof to the objector who may, within thirty days from the date of such notice, apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply the Director may register the property in the name of the person given in the notice or statement of particulars.

(2) If any owner affected by any notice given by the Director under section 44 or 45 of this Law fails to comply therewith within the time stated therein, the Director may proceed to register such property in the name of such owner or make such new edition.

47. (1) The registration fee shall be payable in three equal annual instalments, the first of which shall be due on the 13th day of March next following the date of registration and the remaining two on the 13th day of March in each of the succeeding years, and any such instalment may be recovered in the manner provided by the Tax Collection Law.

Fee on compulsory registration. 3 of 2nd Sch. to 10/54.

Cap. 329.

(2) The registration fee shall be a charge on the immovable property to which it relates and shall have priority over all other charges and incumbrances whatsoever, whether accruing before or after the date of registration; and where the property is to be sold for the satisfaction of any other charge or incumbrance, the sale shall be subject to a reserve price which shall not be less than any balance of the registration fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

(3) Where any request is made for the transfer or mortgage of property charged with the payment of a registration fee before the same has been recovered in full, such transfer or mortgage shall not be made except upon payment of any balance of the fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

(4) For the purposes of subsections (1), (2) and (3) of this section, "registration fee" includes the fee payable in respect of the issue of a certificate of registration under any Law in force for the time being.

14 of 8/53.

48. Where any immovable property does not stand registered in the name of the owner thereof and application is made to the District Lands Office that the property be so registered, the Director may register the same in the name of the owner without requiring payment of the registration fee to be made in advance, and upon the property being registered the provisions of section 46 of this Law shall apply thereto as they apply to registrations made under sections 42 to 47, both inclusive, of this Law.

Payment of fee in voluntary registration deferred in certain cases.

49. (1) Where application is made for the registration of immovable property in the name of a person who claims to be entitled thereto and such property is registered in the name of a deceased person, the Director may register the property in the name of the person so entitled on production of the consent in writing, duly authenticated, of the heirs of the person registered for the property:

Registration of property registered in the name of a deceased person, in name of persons claiming title thereto.

Provided that where in the Director's opinion such consent is unreasonably withheld or it is impossible or im-

practicable to obtain, the Director may, at the applicant's expense, in lieu of such consent, publish in such newspaper as he may think fit and also post up a notice containing—

- (a) a description of the property;
- (b) the name of the person standing registered;
- (c) the name of the person proposed to be registered,

and calling upon any person interested in the property to show cause within sixty days from the date of the publication of such notice why the proposed registration should not be effected.

(2) If within the period aforesaid no objection to the proposed registration is made, the Director may, subject to the provisions of subsection (4) of this section, proceed to register the property accordingly.

(3) If within the period aforesaid any objection is made but the Director is of opinion that the registration should nevertheless be effected, he shall give notice thereof to the objector who may, within thirty days from the date of such notice apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply the Director may register the property in the name of the person entitled thereto.

(4) Where an heir of the person registered for the property is absent from Cyprus, no registration shall be made under this section which the Director considers to be prejudicial to the interests of the absentee, unless thirty years have elapsed from the date of the death of the person registered.

Mode of
determining
area of
registered
land.

50. The area of land covered by a registration of title to immovable property shall be the area of the plot to which the registration can be related on any Government survey plan or any other plan made to scale by the Director:

Provided that where the registration cannot be related to any such plan such area shall be the area of the land to which the holder of the title may be entitled by adverse possession, purchase or inheritance.

Register
and other
books.

51. There shall be kept in each District Lands Office—

- (a) a separate Land Register for each town and village, or, if the Director so directs, for any quarter or block of a town or village in such form as he may

determine, in which all registrations and transfers of immovable property shall be recorded; and
 (b) such other books and abstracts as the Director may deem necessary.

52. Every certificate of registration shall contain such particulars and shall be in such form as the Director may determine. Certificate of registration.

53. The Director may require any co-owner of immovable property to obtain a separate certificate of registration for his share therein and pay the registration fee therefor. Separate certificate for co-owners.

54. Where immovable property is held in undivided shares and application is made by one of the co-owners for the registration of his share therein, it shall be lawful for the Director to register all the shares in the property. Power to the Director to effect registration of shares. 15 of 8/53.

55. Where any land is subject to or enjoys any right, privilege, liberty, easement or other advantage as in section 12 of this Law, the same shall, on the application of any interested party, be recorded in the Land Register and in the certificate of registration relating to such land. Record of easement in Register and certificate of registration.

56. From and after the date of the coming into operation of this Law every registration made and every certificate issued in connection with any transfer of land or building or any devolution thereof by inheritance shall be deemed to include all immovable property connected therewith to which the transferor or deceased was entitled. Certificate of registration to include certain properties.

57. From and after the commencement of this Law no separate registration for anything standing, planted or erected on land or for any right attached or subject to the land, shall be effected independently of such land, except where such thing or right belongs to a person other than the owner of the land. No separate registration for anything standing on land.

58. (1) Where any dispute arises as to the boundaries of any registered land, such dispute shall, in the first instance, be determined by the Director after notice given to the parties at least fourteen days in advance informing them of the time when the boundaries in dispute will be inspected and no Court shall entertain any action or other proceeding relating to such dispute unless the same has been determined in the first instance as in this section provided. Determination of disputes as to boundaries.

(2) The Director may decide on the dispute in the absence of any party notified as in subsection (1) of this section provided.

(3) On deciding a boundary dispute the Director shall give notice of his decision to the parties to the dispute and shall place such land marks as he may think fit to show the line of the boundary as by him decided and make such measurements and notes as may be required for identifying the position of the land marks.

(4) The cost of placing the land marks shall be borne by the party who, in the Director's opinion, is at fault and such cost may be recovered in the manner provided by the Tax Collection Law.

Cap. 329.

Lost or
destroyed
certificates.

59. Upon proof to the satisfaction of the Director that any certificate issued by him relative to immovable property has been lost or destroyed, or is unlawfully withheld from the person entitled thereto, he may, on payment of the prescribed fee, issue another such certificate to the person entitled thereto, and the Director shall thereupon make an entry in the Register of the issue of another such certificate and every such certificate shall be valid and effective for all purposes:

Provided that where the property is affected by any charge or incumbrance, the fact that the property is so affected shall be noted on such certificate.

Power to
require
information,
etc., in
relation to
immovable
property.

60. Subject to the provisions of this Law, the Director may by notice require any owner or other person making an application to have immovable property registered or any owner, mortgagee or other person interested in any immovable property in respect of which any transfer, mortgage or other charge is about to be registered or recorded—

- (a) to appear before him at such reasonable time and place as may be specified therein and give such information in relation thereto as he may possess;
- (b) to produce all relevant instruments in his possession or under his control in relation thereto.

Power to
correct
errors and
omissions.

61. (1) The Director may correct any error or omission in the Land Register or in any book of the District Lands Office, or in any certificate of registration, and every such Register, book or certificate of registration so corrected shall have the like validity and effect as if such error or omission had not been made.

(2) No amendment shall be made under the provisions of subsection (1) of this section, unless thirty days' previous notice is given by the Director to any person who might be affected thereby, and any person may, within the period of thirty days from the date of the giving of such notice, lodge an objection with the Director who shall thereupon investigate the same and give notice of his decision thereon to the objector.

62. (1) Every District Lands Office shall have a seal of such form as may be approved by the Governor. Seals.

(2) The seal shall be in the custody of such officer as the Director may direct, and shall be affixed by him to every instrument issued out of the office.

63. Upon the death of any person possessed of, or beneficially interested in, any immovable property, it shall be the duty of the mukhtar of the town, village or quarter in which the deceased person last resided to report such death forthwith to the District Lands Office of his district. Mukhtar to report death of owner of immovable property.

64. It shall be lawful for the Director to grant to any mukhtar reporting a death as required by section 63 of this Law a fee not exceeding one hundred mils. Rewards to mukhtars.

65. (1) Whenever an action or other proceeding is taken in any Court claiming the title to any immovable property, the Registrar of the Court shall require the plaintiff or applicant to furnish him with a certified copy of the writ of summons or other document by which the claim was made and the Registrar shall forward the same to the District Lands Office for the Director's information. Court proceedings relating to claims to immovable property.

(2) A certified copy of a judgment or order of the Court shall be sufficient authority to the Director to make the registrations or alterations required by the judgment or order on payment of the prescribed fees.

PART IV.

VALUATION.

66. Any immovable property which has not been valued before the coming into operation of this Law and any immovable property coming into existence after the date of the coming into operation of this Law, may be valued in Valuation of immovable property not previously valued.

accordance with the provisions of this Part of this Law either at the instance of the Director or on the application of the registered owner thereof and upon such valuation such value shall be deemed to be the registered value of such property.

Revaluation. **67.** Any immovable property valued at any time, whether before or after the coming into operation of this Law, may be revalued at any time being not less than five years from the date of the last valuation, either at the instance of the Director or on the application of the registered owner thereof:

16 of 8/53. Provided that any immovable property may be revalued at a time less than five years from the last valuation if—

(a) since the last valuation any such immovable property has been materially reconstructed or on any land there have been erected any buildings or planted any trees or vines so as to increase substantially the value of such property or land; or

(b) since the last valuation any such immovable property has been destroyed or damaged to such an extent as to affect substantially its value; or

(c) a general valuation under section 69 of this Law has been ordered.

Valuers. **68.** (1) Every valuation or revaluation of immovable property under this Part of this Law shall be made by a valuer or valuers appointed in that behalf by the Governor.

(2) Every person appointed as valuer shall, before performing any duty of his office, take an oath before a member of the Court, in the form set out in the Second Schedule to this Law.

Second
Schedule.

General valuation of immovable property. 17 of 8/53. **69.** (1) Where the Governor in Council is satisfied that, for the purposes of securing up-to-date and uniform valuation of immovable property in any town, village or quarter, a general valuation in respect of all or any specified part of such property is necessary the Governor in Council may order a general valuation of such property.

(2) For the purposes of this section a "general valuation" means a valuation of the immovable property mentioned in subsection (1) of this section, irrespective of whether any valuation or revaluation thereof was previously made or not and irrespective of the date at which any such valuation or revaluation was made.

70. When a general valuation in respect of all or any specified part of the immovable property in any town, village or quarter has been ordered under section 69 of this Law, the following provisions shall have effect:—

Procedure
on general
valuation.
18 of 8/53.

- (a) the Director shall publish in the Gazette and in such other newspaper as he may deem necessary and also post up a notice, informing the public that a general valuation will be made, giving particulars of the area in respect of which the notice is given and of the date on which it shall commence, and calling on all owners therein to supply the valuer with such information, or with a return in writing containing such particulars, touching upon the immovable property to be valued, as the valuer may require, and to produce for inspection any document in their possession or under their control relating to the property which the valuer may require to be produced;
- (b) when the valuation has been made the Director shall deposit the lists with the mukhtar of the town, village or quarter concerned and shall cause to be published in the Gazette and to be posted up a notice to the effect that the lists have been so deposited;
- (c) any person interested in any immovable property to which such notice relates may inspect the lists at all reasonable times and the mukhtar in charge of such lists shall at all reasonable times allow any such person to make any extract therefrom or take any copy thereof free of any charge;
- (d) the valuation made by a valuer shall be final and conclusive unless the person affected objects thereto in writing to the Director within thirty days from the date of the posting up of the notice posted up as in paragraph (b) hereof or unless the Director applies to the Court for the revision of the same as in paragraph (f) hereof provided;
- (e) the Director shall consider every objection made to him under paragraph (d) hereof and shall give notice of his decision to the person affected;
- (f) when the Director applies to the Court for the revision of a valuation as in paragraph (d) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.

Procedure on valuation or revaluation of particular properties.
19 of 8/53.

71. Where valuation or revaluation is proposed to be made in respect of any particular property or properties the following provisions shall have effect—

- (a) the Director may give notice of the proposed valuation or revaluation to the person or persons affected calling upon him or them to supply the valuer with such information or with a return in writing containing such particulars touching upon the immovable property to be valued or revalued as the valuer may require and to produce for inspection any document in his or their possession or under his or their control relating to the property which the valuer may require to be produced;
- (b) when the valuation or revaluation has been made, the Director shall give notice thereof to the person or persons affected and such valuation or revaluation shall be final and conclusive unless the person affected objects thereto in writing to the Director within thirty days from the date of his giving such notice or unless the Director applies to the Court for the revision of the same as in paragraph (d) hereof provided;
- (c) the Director shall consider any objection made to him under paragraph (b) hereof and shall give notice of his decision to the person affected;
- (d) when the Director applies to the Court for the revision of a valuation or revaluation as in paragraph (b) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.

Valuation or revaluation of property held in undivided shares.
20 of 8/53.

72. Notwithstanding anything in this Law contained, where immovable property is held in undivided shares the following provisions shall have effect, that is to say—

- (a) on valuation or revaluation the property shall be valued or revalued as a whole, no regard being paid to the fact that such property is held in undivided shares, and the value of any share shall be an amount bearing to the value of the whole property such ratio as that share bears to the whole;
- (b) the whole property may be valued or revalued, in accordance with the provisions of sections 66 or 67 of this Law, respectively, on the application

of any one or more of the registered co-owners thereof;

- (c) the objection to a valuation or revaluation of the property referred to in sections 69 and 71 of this Law, respectively, may be made by any one or more of the co-owners thereof;
- (d) where on valuation or revaluation of the whole property an objection made by any of the co-owners to the Director is sustained or an appeal from the Director's decision thereon made by any of the co-owners to the Court is allowed, the valuation or revaluation shall be varied by the Director or the Court, respectively, in respect of the whole property.

73. (1) Any valuation or revaluation made by a valuer shall be binding and effective for all purposes and shall be deemed to be the assessed value of the property to which it relates until revised by the Director and the decision of the Director shall similarly be binding and effective until revised by the Court and where any valuation or revaluation has been revised by the Director or the Court, any excess tax or fee paid on the basis of such valuation or revaluation before the same had been revised, shall be refunded.

Valuations to be effective until revised.

(2) Notwithstanding anything in this Law contained, until a general valuation of all immovable property in the area of any town, village or quarter is made under the provisions of this Law, there shall be adopted and registered or recorded in the books of the District Lands Office as the assessed value of any immovable property in such area hereafter valued or revalued under the provisions of section 66 or 67 of this Law, respectively, such percentage of the value thereof as the Governor in Council may prescribe for immovable properties in such area.

6 of 4/54.*

74. Any person who objects to any valuation or revaluation made by a valuer or to any decision thereon by the Director shall, together with his objection, lodge with the Director a fee at the rate of one per centum on the difference between the valuation or revaluation objected to and the valuation or revaluation claimed by the objector to be the correct one and neither the Director nor the Court, as the case may be, shall proceed to hear the objection unless such

Deposits by persons objecting to valuation or revaluation.

* Came into operation on the 4th March, 1953.

deposit has been made; if the objection is sustained the Director shall refund such deposit or a part thereof proportionate to the amount by which the objection was successful.

PART V.

MISCELLANEOUS.

Notices.

75. (1) Any notice or communication required to be given or made by the Director under the provisions of this Law may be given or made through the post by letter addressed to the last known place of residence of the person for whom the notice or communication is intended: Provided that whenever practical the notice or communication shall be given or made by registered letter:

Provided also that where any person to whom a notice or communication is required to be given or made is—

(a) an infant, mental patient or is prohibited by a competent Court from the management of his affairs the notice or communication shall be addressed to the last known place of residence of his guardian or if he has no guardian to such person as the Court, upon application of the Director in that behalf, may direct;

(b) absent from the Colony, in addition to a letter addressed to his last known place of residence in the Colony there shall be posted up a copy thereof in the town or village in which the property is situate.

(2) The letter shall—

(a) if the mother tongue of the person to whom it is addressed is Greek, be in Greek;

(b) if the mother tongue of the person to whom it is addressed is Turkish, be in Turkish;

(c) in every other case, be in English.

(3) The date of the posting of the letter shall be deemed to be the date on which the notice or communication is given or made and a certificate by the person posting such letter stating the date on which the same was posted shall be deemed to be *prima facie* evidence of such posting.

(4) Where any notice is required to be posted up under the provisions of this Law—

(a) if the property affected is situate in any town, the

notice shall be posted upon the notice board of the District Lands Office in such town;

- (b) if the property affected is situate in any village, the notice shall be posted up in a conspicuous place in the village,

and a certificate by the person posting up such notice, stating the date on which the same was posted up, shall be deemed to be *prima facie* evidence of such posting up.

76. Whenever any compensation has to be paid or any other payment made under the provisions of this Law—

Compensation to infants, etc.

- (a) to or for the benefit of an infant, mental patient or a person who is prohibited by a competent Court from the management of his affairs, the same shall be paid or made to his guardian;
- (b) to or for the benefit of a person absent from the Colony, the same shall be paid or made to his duly appointed representative or agent:

Provided that in either case the compensation may be paid or the payment made into the Court, and paid out to such person as the Court may direct, on application made in that behalf.

77. Whenever in this Law it is provided that the owner of immovable property shall receive or give notice or make any application or do any act, the same may be received, given, made or done by his duly appointed representative or agent, unless the context shall otherwise specify or require.

Agent to represent owner.

78. With the object of exercising the powers conferred and performing the duties imposed upon him by this Law, the Director or any valuer shall have power at all reasonable times, to enter on, measure, survey, perambulate or value any immovable property and place such land marks thereon as he may think fit.

Power of entry, etc., to the Director or valuer.
21 of 8/53.

79. (1) Any person who wilfully obstructs the Director or any valuer in the exercise of his powers or performance of his duties under this Law shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Offences.
21 of 8/53.

(2) Any person who wilfully refuses or fails without reasonable excuse to supply the valuer with the information or the written return referred to in sections 70 or 71 of this

Law, respectively, within ten days from the date on which the valuer has required him to do so, shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds.

(3) Any person who knowingly makes a false statement in any information or return supplied by him under the provisions of section 70 or 71 of this Law, respectively, shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

(4) Any person who prepares or authorizes the preparation of any false instrument or document, or falsifies any instrument or document in his possession or under his control and produces such false or falsified instrument or document to the Director or valuer when required to do so under the provisions of sections 60, 70 or 71 of this Law, shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Appeals
from
decisions of
Director.

80. Any person aggrieved by any order, notice or decision of the Director made, given or taken under the provisions of this Law may, within thirty days from the date of the communication to him of such order, notice or decision, appeal to the Court and the Court may make such order thereon as may be just but, save by way of appeal as provided in this section, no Court shall entertain any action or proceeding on any matter in respect of which the Director is empowered to act under the provisions of this Law.

22 of 8/53.

Provided that the Court may, if satisfied that owing to the absence from the Colony, sickness or other reasonable cause the person aggrieved was prevented from appealing within the period of thirty days, extend the time within which an appeal may be made under such terms and conditions as it may think fit.

Decision of
Court when
final.

81. When an appeal is made to the Court as in section 80 of this Law provided, the order of the Court shall be final and conclusive and no appeal shall lie therefrom save where a question of personal status is involved or where the amount in dispute exceeds twenty-five pounds.

7 of 4/54.

Provided that any person, including the Director, aggrieved by any order of the Court on any appeal under

section 80 of this Law, may appeal therefrom to the Supreme Court on any point of law.

82. (1) Every certificate of any village authority required by any law or custom to be produced to the District Lands Office as evidence of any fact relating to any matter affecting any immovable property shall be signed and sealed by the mukhtar and be signed also by not less than two azas of the quarter or village in which the property is situate.

Village
authorities
and
certificates.

(2) The signature, seal or mark of any person to any document required to be furnished or produced to the District Lands Office in connection with any immovable property may be certified by the mukhtar and one aza of any town, village or quarter and such certification shall be effected by inscribing on the document a certificate in one of the forms A or B set out in the Third Schedule to this Law or to the like effect and by affixing thereto the signature and seal of the mukhtar and the signature of the aza:

Third
Schedule.

Provided that no mukhtar or aza shall certify any signature, seal or mark unless—

- (a) such signature, seal or mark is affixed to the document in his presence or is declared to him by the person who had affixed the same that the signature, seal or mark is his and had been affixed by him; and
- (b) the person signing, sealing or marking the document is personally known to him or his identity is attested by two persons personally known to him which persons shall sign the document as witnesses to the signature, seal or mark of the principal party.

(3) Where the facts to be certified are not within the personal knowledge of the mukhtar or aza required to certify the same, but the certificate is based on information and statements of third parties, the mukhtar and aza shall so word the certificate as to make it clear on the face of the certificate that the certificate is so based on information and shall name the informants and he shall not certify it unless he is satisfied that such informants are to his best knowledge and belief reliable persons.

Fees by
village
authorities.
Fourth
Schedule.

83. The fees set out in the Fourth Schedule to this Law shall be payable to mukhtars and azas in respect of the several matters therein set out:

Provided that no fee shall be payable in respect of a certification of any matter which in the opinion of the Director could have been included in a certificate for which fees have already been paid.

Specimen
signatures
of mukhtars
and azas.

84. Every mukhtar and every aza upon his appointment shall furnish a copy of his signature to the District Lands Office of the district.

Rules of
Court.

85. The Governor may with the advice and assistance of the Chief Justice make Rules of Court for any matter or proceeding had or taken before any Court under the provisions of this Law:

Provided that until such Rules are made such matters and proceedings shall be regulated in accordance with the Rules of Court in force for the time being.

FIRST SCHEDULE.

(Section 33 (4).)

REGULATIONS.

1. In these Regulations—

“acquiring party” means the registered owner or co-owners of property seeking to acquire compulsorily the property of another person under the provisions of section 33;

“interested party” includes the acquiring party, the party whose property is to be acquired, and any person having a charge on such property in the books of the District Lands Office;

“property to be acquired” means the property which it is sought to acquire compulsorily under the provisions of section 33.

2. The acquiring party shall serve a notice on the owner of the property to be acquired, notifying him of the intended acquisition and giving full description of his own property and of the property to be acquired.

23 (a) of 8/53.

3. The acquiring party shall, within sixty days after service of the notice mentioned in Regulation 2 furnish the District Lands Office with proof of service and apply that the value of the property to be acquired be estimated and pay the appropriate fees.

23 (b) of 8/53.

4. If the owner of the property to be acquired wishes to dispute the right of the acquiring party to acquire his property, he may, within sixty days after service of the notice mentioned in Regulation 2, upon payment of the appropriate fees, apply to the District Lands Office that the value of the registered property of the acquiring party on which such party relies be estimated; and if he does not so apply within that period, he shall be deemed to admit such right.

5. Before the Director proceeds to estimate any property he shall give not less than seven days' notice to the mukhtar or mukhtars who are to assist him in making his estimate and to the interested parties, notifying them of the date on which he proposes to inspect the property.

6. After the lapse of thirty but before the lapse of sixty days from the date of the notice mentioned in subsection (3) of section 33 the acquiring party may pay the value estimated by the Director to the owner of the property to be acquired or lodge the same in the District Lands Office for payment to the owner and upon proof that such value has been so paid or lodged and, unless notice has been given to the Director under Regulation 7, the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees: ^{23 (c) of 8/53.}

Provided that where the property to be acquired is charged with the payment of any money, its estimated value shall be lodged in the District Lands Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgment any balance being paid to the owner of the property acquired.

7. Where an application is made to the Court to vary the Director's estimate, the applicant shall forthwith give notice thereof, and shall deliver to the District Lands Office a copy of his application; otherwise the District Lands Office may proceed to act as if no such application had been made and shall not be responsible for anything done in good faith before the delivery of such copy.

8. Where an application is made to the Court to vary the Director's estimate, the acquiring party may, within sixty days from the date of the order of the Court or from the date on which the application to the Court is withdrawn, as the case may be, pay the value stated in the order or estimated by the Director to the owner of the property to be acquired or lodge the same in the District Lands Office for payment to the owner; and upon production to the District Lands Office of a certified copy of the order or proof that the application to the Court has been withdrawn, as the case may be, and upon proof that the value has been so paid or lodged, the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees: ^{23 (d) of 8/53.}

Provided that where the property to be acquired is charged with the payment of any money, its value shall be lodged in the District Lands Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgment, any balance being paid to the owner of the property acquired.

9. After the acquiring party has applied to the District Lands Office, as provided in Regulation 3, that the value of the property to be acquired be estimated, no dealing affecting such property shall be permitted in the District Lands Office, unless the sixty days' time provided by Regulations 6 and 8 has elapsed and the acquiring party has failed to pay the value of the property to the owner thereof or lodge the same in the District Lands Office, as in the said regulations provided.

SECOND SCHEDULE.

(Section 68.)

OATH BY VALUER.

I, _____ of _____, do solemnly swear that I shall faithfully and honestly and to the best of my skill and ability make any valuation required of me under the provisions of the Immovable Property (Tenure, Registration and Valuation) Law, Cap. 224.

Sworn this _____ day of _____, _____

THIRD SCHEDULE.

(Section 82.)

CERTIFICATIONS.

Form A.

Signed (sealed or marked) this day in our presence by A.B. who is personally known to us; or

Declared to us by A.B. who is personally known to us that the above signature (seal or mark) is his own.

In testimony whereof we hereto set our hands and seal this _____ day of _____

[L.S.]

(Sd.) *Mukhtar.*(Sd.) *Aza.**Form B.*

Signed (sealed or marked) this day by A.B. in our presence and the presence of C.D. and E.F. who are respectively personally known to us and who have declared to us that they personally know A.B. and identified him to us.

Or,

Declared to us this day by A.B. in the presence of C.D. and E.F., who are respectively personally known to us and who have declared to us that they personally know A.B., that the above signature is his own.

In testimony whereof we hereto set our hands and seal, this _____ day of _____

(Sd.) C.D. and E.F.

[L.S.]

(Sd.) *Mukhtar.*(Sd.) *Aza.*

FOURTH SCHEDULE.

(Section 83.)

FEES.

(a) to *Mukhtars.*

1. Upon certifying any signature, seal, or mark. 50 mils.
2. Upon issuing, signing and sealing a certificate of facts relating to the occupation or possession of immovable

property irrespectively of the number of the plots concerned:—

- (i) without inspection of the property 50 mils
 - (ii) where inspection is necessary and has been made by the mukhtar, the sum of 50 mils together with payment in respect of the time occupied by the inspection at the rate of 250 mils for a day or 150 mils 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 75 mils
 4. Upon preparing, signing and sealing a certificate of partition of property assented to by persons co-interested—
 - (i) where the mukhtar has not attended the partition, the sum of 100 mils with an additional charge of 11 mils in respect of each piece of property partitioned in excess of nine pieces;
 - (ii) where the mukhtar has attended the partition, the sum of 100 mils together with payment in respect of the time occupied by the inspection at the rate of 250 mils for a day or 150 mils for half a day or less.
 5. All certificates not otherwise specified, irrespectively of the number of the plots concerned 75 mils

(b) to Azas.

Upon certifying any signature, seal or mark 50 mils

The following enactments were repealed by this Law,

Enactments.	Extent of Repeal.
1. The Ottoman Laws referred to in items (1) to (13), both inclusive, and (15) to (38), both inclusive, in the Fourth Schedule to the Courts of Justice Laws, 1935 to 1943.	1. The whole, including such parts as have not been previously repealed.
2. The Mejellé.	2. Articles 1 to 100, both inclusive, in so far as they are repugnant to or inconsistent with the provisions of this Law. Articles 1045 to 1191, both inclusive, in so far as they relate to immovable property. Articles 1224 to 1328, both inclusive.
3. The Immovable Property Registration and Valuation Laws, 1907 to 1943.	3. The whole.
4. The Immovable Property Limitation Law, 1886.	4. The whole.
5. The Village Authorities (Fees Regulation) Order, 1943.	5. First Schedule paragraph B. Second Schedule paragraph A.