

CYPRUS

BURIALS

CHAPTER 247 OF THE LAWS

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1959

CHAPTER 247.

BURIALS.

ARRANGEMENT OF SECTIONS.

<i>Section</i>		<i>Page</i>
1	Short title	2
2	Governor may order new or additional burial ground to be provided ...	2
3	Selection of site	2
4	Compensation for land taken	3
5	Registration of burial ground	3
6	Cost of burial ground borne by householders	3
7	Appeal against amount fixed	3
8	Notice of sums due to be posted	4
9	Power to levy in case of default	4
10	Where moneys insufficient, power to raise supplementary contributions ...	4
11	Site to be enclosed and accounts of moneys to be kept, etc. ...	4
12	Power of Commissioner to allocate cost on failure of Municipality, etc.	5
13	Recovery of sums allocated	5
14	Power of District Commissioner to enclose burial-ground where Municipality or Commission has made default in so doing ...	5
15	Order prohibiting burials in old burial-ground	5
16	In case of person under disability, compensation to be paid to guardian or agent	6
17	Grant of burial-ground by the owner of a site	6
18	Sale, etc., of part of burial-ground	6
19	Penalty for burying in prohibited places	6
20	Power of Governor to close burial-grounds	7

TO PROVIDE FOR THE ESTABLISHMENT OF FIT AND PROPER
PLACES FOR THE BURIAL OF THE DEAD.

1949 Cap. 53,
33 of 55,
43 of 55
1st Schedule.

[16th April, 1896.]

Short title.

1. This Law may be cited as the Burials Law.

Governor
may order
new or
additional
burial-
ground
to be
provided.

2. If it appears to the Governor that any town, village, or quarter is not provided with a place for the burial of the dead, or that any existing burial-ground is insufficient for the requirements or dangerous to the health of any town, village, or quarter, the Governor may order that a burial-ground, or an additional or new burial-ground, as the case may be, shall be provided for such town, village or quarter, under the provisions of this Law.

Selection of
site.

3. Upon the publication of the order in the Gazette, the Commissioner of the District in which the town, village or quarter is situate shall, with the advice and assistance of the Municipality, in the case of a town having a Municipality, or of the mukhtar and Commission in the case of any other

town, village, or quarter, proceed to select a fit and suitable site for the establishment of a burial-ground, and shall estimate the cost of enclosing the site with a suitable fence or wall.

4. In respect of any land taken under this Law, compensation shall be paid to the owner thereof, either—

Compensation for land taken.

(a) at a rate to be agreed upon between him and the Municipality, or the mukhtar and Commission of the town, village, or quarter, as the case may be; or

(b) in case the compensation cannot be assessed by agreement, such compensation to be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes.

2 of 1st Schedule of 43/55.

5. When any site has been so selected, upon the certificate of the Commissioner of the District that the site has been so selected, and upon the report of the Director of Medical Services or any Medical Officer deputed by him that the site is a suitable and proper one from a sanitary point of view the site shall, at the instance of the Commissioner of the District, be registered in the books of the District Lands Office as a public burial-ground of the town, village, or quarter in question, and all right and title of the owner thereof in and to the land shall thereupon cease and determine, and the tax on the site shall from that day be written off.

Registration of burial-ground.

6. After the compensation has been fixed as aforesaid, the Municipality or the mukhtar and Commission, as the case may be, shall proceed to allocate the amount of compensation for the land taken and the cost of enclosing the site among the householders of the town, village, or quarter, who belong to the religious community for whose use the burial-ground has been so provided in proportion to the means of each. A copy or copies of the list, showing the amount to be paid by each householder, shall be sent by the Municipality or the mukhtar and Commission, as the case may be, to the Commissioner of the District, and at the same time a copy shall be posted up in a conspicuous place or places in the said town, village or quarter.

Cost of burial-ground borne by householders.

7. Within ten days from the publication of the list as aforesaid every person who considers himself aggrieved

Appeal against amount fixed.

thereby may appeal to the Commissioner of the District, who shall with all convenient speed inquire and determine the sum to be paid by each person so complaining, and his decision shall be final.

Notice of sums due to be posted.

8. Notice in writing in the form of an order shall be drawn up by the Commissioner calling upon all persons affected thereby to pay the amount standing against their names in the notice to the Municipality or to the mukhtar of the town, village, or quarter, as the case may be, within one month of the publication of the notice.

Publication of the notice shall be effected by posting a copy or copies of it in a conspicuous place or places within the town, village, or quarter, the inhabitants of which are affected thereby.

Power to levy in case of default.
2 of 11/37.

9. Where any person makes default in paying the sum due from him under this Law, the mukhtar shall have power to levy it, together with a fee of twenty-five mils, and to seize and sell so much of the movable property of the defaulter as is sufficient to pay the sum due from him, including the fee and the costs incurred by the seizure and sale.

Cap. 329.

Goods which are exempt from seizure and sale under the Tax Collection Law, shall not be liable to seizure and sale under this Law.

Where moneys insufficient, power to raise supplementary contributions.

10. Should it appear that the moneys collected by the Municipality or mukhtar and Commission, as the case may be, are insufficient to defray the cost of compensation for the land taken, and that of fencing the burial-ground, the Municipality or mukhtar and Commission, as the case may be, may allocate the amount of the deficit among the householders of the town, village, or quarter who belong to the religious community for whose use the burial-ground has been provided, in the same manner and subject to the same right of appeal to the Commissioner of the District, and to the same provisions as to payment and collection, as is provided in this Law for the original contribution.

Site to be enclosed and accounts of moneys to be kept, etc.

11. From and after the collection of the moneys as hereinbefore mentioned, the Municipality or mukhtar and Commission of the village, as the case may be, shall take the necessary steps to enclose the site; and the Municipality or

the mukhtar, as the case may be, shall keep an account of all moneys received and expended in and about the carrying out of the provisions of this Law; and the accounts shall be forwarded to the Commissioner of the District.

12. Where any site has been registered in the books of the District Lands Office as a public burial-ground, and the Municipality or the mukhtar and Commission, as the case may be, have failed within forty-five days of the date of registration to allocate in the manner provided by this Law the amount of compensation to be paid for the land and the cost of enclosing it, the Commissioner of the District may proceed to allocate the amount and costs among the householders of the village or quarter who belong to the religious community for whose use the burial-ground has been provided in proportion to their respective means.

Power of Commissioner to allocate cost on failure of Municipality, etc.

13. Any sums which have been so allocated, as well as any outstanding sums which have been allocated by the Municipality or mukhtar and Commission, shall be recoverable forthwith, and the Commissioner may issue an order under his hand authorizing and commanding any officer authorized to collect taxes to demand immediate payment of the sum certified by the Commissioner to be due, and, in default, to levy it by the seizure and sale of the movable and immovable property of the person by whom the sum is certified to be due, with all costs of process.

Recovery of sums allocated.

14. Where the Municipality or the mukhtar and Commission have failed within four months from the date of the registration of a site as a public burial-ground to enclose it, the District Commissioner may cause the burial-ground to be enclosed and may allocate the costs of enclosing it, so far as they have not been collected by the Municipality or mukhtar and Commission, among the householders belonging to the religious community for whose use the burial-ground has been provided; and the amounts so allocated may be recovered in the manner provided by section 13 of this Law.

Power of District Commissioner to enclose burial-ground where Municipality or Commission has made default in so doing.

15. Upon the report of the Commissioner that the site has been registered, it shall be lawful for the Governor, if he shall think fit, to order that from and after a day to be named in such order, no burials shall take place in any place or places of burial in lieu whereof any new burial-ground has been provided as aforesaid.

Order prohibiting burials in old burial-ground.

In case of person under disability, compensation to be paid to guardian or agent.

16. In case any person entitled to compensation under this Law is under disability or residing abroad, any sum to which he may be entitled in respect of compensation may be paid to his guardian or duly authorized agent, if any, or, in the absence of such guardian or agent, into the District Court of the District within which the land in respect of which it is paid is situate, to be disposed of as the Court shall direct for the benefit of the person entitled thereto.

Grant of burial-ground by the owner of a site.
2 of 33/55.

17. The owner of a site, reported by the Director of Medical Services or any Medical Officer deputed by him in this respect to be a suitable and proper site to be used as a burial-ground, may, by filing with the District Lands Office where the site is situate a written document in this respect, grant such site to be used as a burial-ground by a religious community of a town, village or quarter and thereupon such site shall be registered in the books of the District Lands Office as a public burial-ground for the use of such religious community of the town, village or quarter concerned and the provisions of section 5 as to the effects of such registration shall apply *mutatis mutandis*.

Sale, etc., of part of burial-ground.
2 of 33/55.

18.—(1) Any part of a burial-ground of any town, village or quarter registered under the provisions of this Law, which has not been consecrated and in which no body has been at any time interned and which is not for the time being, in the opinion of the Municipality or the mukhtar and Commission concerned, required for the purposes of a burial-ground, may be sold or exchanged by such Municipality or mukhtar and Commission concerned, with the approval of the Governor to be given by an Order published in the Gazette and subject to such terms and conditions as the Governor may deem fit to impose.

(2) An Order of the Governor under subsection (1) shall be sufficient authority for the Director of Lands and Surveys to cause any necessary amendments in any registration affected thereby to be made.

Penalty for burying in prohibited places.

19. From and after the date on which an order under section 15 comes into force, it shall be unlawful to perform or cause to be performed any burial in any place in which burials have been prohibited by such order, and any person acting in contravention of this section shall be liable to a fine not exceeding ten pounds.

20. Whenever the Governor is satisfied that the further use of any place as a burial-ground is dangerous to the public health, and that the community for whose use it has served possesses another sufficient and proper place for the burial of the dead, the Governor may, without ordering any new or additional burial-ground to be provided, order that no burials shall take place in the first-named burial-ground; and any person performing or causing to be performed any burial in contravention of the order shall be guilty of an offence against section 19.

Power of
Governor to
close burial-
grounds.