

Penalty for obstructing the Government Engineer.

39. Any person wilfully obstructing the Government Engineer, his agents or contractors or any person appointed to carry out any work under this Law, in the performance of their work under this Law shall be liable for each offence to a fine not exceeding one pound or to imprisonment for any term not exceeding ten days.

Money to be advanced from Agricultural Bank or other special fund.

40. For the construction, repair, improvement or maintenance of works connected with the water supply or drainage of lands under this Law, the High Commissioner may authorize moneys to be advanced from time to time from the funds of the Agricultural Bank or other special fund available for such purposes.

Disposal of fines.

41. All fines recovered under this Law shall be paid to the Commissioner of the District to be added by the Government to the capital of the Agricultural Bank.

Water held by title exempted from the provisions of the law.

42. The provisions of this Law shall not be applied to any water which is by registered title or *ab antiquo* possession the property of any person, corporation or village, without the consent of such person, corporation, or of the majority of the proprietors in such village.

Short title.

43. This Law may be cited as the Irrigation and Water Law, 1887.

## 15 OF 1897.

TO PROVIDE FOR THE CONSTRUCTION OF IRRIGATION WORKS, AND FOR OTHER PURPOSES RELATING THERETO.

WALTER J. SENDALL.]

[September 2, 1897.

### PART I.

#### *Preliminary.*

Definitions.

(1.A) In this Law, unless the context otherwise requires:—

“ Person ” includes any body of persons, corporate or unincorporate, and any ecclesiastical or pious foundation;

“ Land ” extends to and includes buildings, trees, and standing crops;

“ Persons interested ” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Law; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land.

*repealed by Law 26 of 1928*

## PART 2.

*Acquisition of Water.*

1. For the purpose of utilising in irrigation, water which has heretofore run to waste, the Government, after making such provision as is in this Law enacted for the supply of water to persons or lands possessing the right to take water from a river or watercourse, may store, divert, or otherwise deal with the water in such stream or watercourse as may appear most conducive to the object aforesaid.

Right of Government to store or divert water.

2. The Government may for the purpose aforesaid construct any reservoir, tank, dam, weir, sluice, aqueduct or other necessary work, and acquire, in accordance with this Law, any land that may be required for the construction and maintenance of the works.

Acquisition of land for construction of works.

3. The High Commissioner shall from time to time determine the works to be undertaken under the provisions of this Law, and the Legislative Council may, by resolution, recommend to the High Commissioner the undertaking of any irrigation works which may appear desirable.

High Commissioner to order execution of works.

4. Whenever it appears that any existing water rights will or may be injuriously affected by the carrying out of any works under this Law, the High Commissioner shall appoint three Commissioners, of whom one shall be nominated by the High Commissioner and two shall be selected by the High Commissioner from four persons chosen by resolution of the Legislative Council for that purpose, in order to ascertain and record the nature, extent and situation of the said rights in the manner hereinafter provided.

Commissioners to record water rights.

Provided that more than one body of Commissioners may be appointed in respect of the same irrigation works.

5. The Commissioners shall ascertain and record in a book :—

Registration of water channels.

- (1.) Every channel used at the date of the inquiry by any person in the exercise of a water right which, in the opinion of the Commissioners is liable to be so injuriously affected as aforesaid;
- (2.) The average area which, during the five years immediately preceding the date of the inquiry, has been lawfully watered by each channel, such average being computed on the basis of the three years in which the most extensive area has been watered;
- (3.) The average number of times such area has been watered in each year during the said period, and whether the waterings have been used for winter or summer cultivation;

- (4.) Every channel the use of which has been abandoned at the date of the inquiry, if it is proved :—
- (a.) That the channel has, at any time during the ten years immediately preceding the date of the inquiry, been used in the exercise of a water right;
  - (b.) That the abandonment thereof has been caused by the minority, mental or physical incapacity, absence from Cyprus or lack of means on the part of the person entitled to use it;
  - (c.) That the channel is liable to be affected by the proposed works;
- (5.) The average area of land lawfully watered by such channel, and whether the land has been watered for winter or summer cultivation;
- (6.) Every right to take water for the service of any mill or machine or for any like purpose, and the nature and extent of the right.

The Commissioners shall cause to be prepared and attached to the book, in this Law referred to as “the Register,” a plan showing the position and course of each channel and the situation and extent of the land watered by each channel as aforesaid.

Power to  
compel  
attendance  
of witnesses.

6. The Commissioners shall, at least one month before the holding of an inquiry, cause a notice to be published in every village likely to be affected by the inquiry, calling upon all interested persons to appear before the Commissioners with the evidence upon which they rely to support their claims; and, for the purposes of the above inquiry, the Commissioners may require by summons the attendance of any person whose presence or evidence they may consider necessary for the investigation or settlement of any question arising during the inquiry, and any person refusing to attend on such summons or to answer any questions material for the purpose of the inquiry, or to produce any document he may be required to produce, shall be liable to a fine not exceeding one pound.

The Commissioners may, for the purposes of the inquiry, take evidence on oath or affirmation; and any person wilfully giving false evidence upon such oath or affirmation shall be liable to the same penalties as if he had given false evidence in a judicial proceeding.

Deposit of  
Register with  
Commissioner.

7. On the completion of the inquiry with reference to any irrigation work, the Commissioners, or, if they disagree, the majority of them, shall sign the Register and deposit one copy of it with the Commissioner of the District, and another copy with the Mukhtar of every village in which any water right is found to exist, and shall cause to be posted in every such village a notice stating that copies of

the Register have been so deposited, and that all persons objecting to the rights as therein recorded must carry in their objections within four months from the date of the notice.

8. The Registrar-General on behalf of the Government of Cyprus, or any persons whose rights are affected by the record in the Register contained, may at any time within four months from the date of the notice of the deposit of the Register with the Commissioner object to the Register in the manner hereinafter provided.

Power to  
object to  
Register.

Provided that, with the consent of any interested party, the Registrar-General may, in his discretion, amend the Register at any time.

9. Every such objection shall be brought by an action claiming the rectification of the Register, to be commenced in the District Court of the District in which the Register is deposited, by the person objecting to the Register as plaintiff against the Commissioners signing the Register as defendants, and the decision of every such Court on any such objection may be appealed from in the same manner and subject to the same restrictions as though it was a decision in an ordinary civil action, save that no such decision shall be rendered unappealable by reason of the value of the water right in respect of which it was given.

Hearing of  
objection.

10. At the expiration of four months from the deposit of the Register as aforesaid, the Register, except so far as it may have been thus objected to, and subject to the powers of rectification conferred upon the Registrar-General by section 8, shall be binding and conclusive on all persons, and shall, for the purposes of this Law, be deemed to be final and conclusive evidence of all matters therein recorded.

Register  
when  
binding.

11. The Government shall provide for the satisfaction of water rights with reference to any irrigation work under this Law, in one of the following methods, and shall notify, in the case of each irrigation work, the method to be adopted;

Alternative  
methods of  
satisfying  
water rights.

(a.) By providing that no water shall be diverted from any river or watercourse, or stored in any reservoir, or otherwise intercepted, until the water rights recorded in the Register have been satisfied for the time being;

(b.) By providing that the water rights recorded in the Register shall be satisfied to the extent of the water in the river or in any reservoir supplied therefrom, provision being made, as far as possible, not to intercept the carrying down of any sediment or silt which would ordinarily be carried down the river.

No person shall be entitled, in respect of any water right, to receive, except upon payment, any water in addition to the amount above mentioned.

Acquisition  
of water by  
Government.

12. Subject to the provisions of the last preceding section for the due supply of water to persons whose rights have been ascertained and registered in accordance with this Law, all water in any river or watercourse in respect of which any irrigation work has been undertaken, or in any tank, reservoir, or channel used in connection with such river or watercourse, shall, for the purposes of this Law, be deemed to be the absolute property of the Government of Cyprus; and the Government may sell or dispose of it as hereinafter provided for the purposes of irrigation so far as the same are practicable.

### PART 3.

#### *Acquisition of Land.*

Recommen-  
dation to  
acquire land  
or remove  
obstruction

13. The Director of Public Works or other officer by the High Commissioner entrusted with the supervision of any irrigation area shall have power to recommend that any land be acquired for the purpose of constructing thereon any reservoir, tank, dam, weir, sluice, aqueduct, or other work which may appear necessary or conducive to the collection, storage, or distribution of water; or he may recommend that any mill, dam, weir, or other like obstruction be removed or interfered with.

On any such recommendation the officer by whom it is made shall forward to the Commissioner of the District a copy of the recommendation together with a plan of the land to be acquired or of the mill, dam, weir, or other obstruction to be removed or interfered with.

Notice to  
persons  
interested.

14. The Commissioner of the District, before submitting the recommendation to the consideration of the High Commissioner, shall cause a notice to be served on the persons interested in the land it is proposed to acquire, or in the obstruction it is proposed to remove or interfere with, advising them of the proposed acquisition, removal, or interference and that they may examine the plan thereof and present any objections they may have to make thereto within six weeks from the service of the notice: at the expiration of the six weeks the Commissioner shall forward to the High Commissioner the recommendation and plans, together with the objections, if any.