

same for the sum of £ _____ to C. D., and I hereby request that the said mortgage be registered in favour of the said C. D. and I, the said C. D. [or W. Z. the duly authorized agent of C. D. of _____] for myself hereby declare that I have agreed [or that C. D. has agreed] to advance the said sum of £ _____ upon the security of the said property and I request that the mortgage in my favour [or the mortgage in favour of C. D.] be registered.

(Signed) A. B.

C. D.

[or X. Y. agent of A. B.]

[W. Z. agent of C. D.]

Read over to and signed by the said A. B. [or X. Y.] and C. D. [or W. Z.] in my presence this _____ day of _____ 18 _____

P. Q.

Tapou Clerk.

12 OF 1907.

TO MAKE BETTER PROVISION FOR THE REGISTRATION OF TITLE TO AND THE VALUATION OF IMMOVABLE PROPERTY AND TO AMEND THE LAW RELATING TO IMMOVABLE PROPERTY IN CERTAIN RESPECTS.

C. A. KING-HARMAN.]

[February 10, 1909.

*Repealed
Wholly &
Lew 26/45-*

1. This Law may be cited as the Immovable Property Registration and Valuation Law, 1907 Short title.

2. In this Law unless the context otherwise requires:— Definitions.

“Immovable property” means and includes lands, trees, vines, houses and other buildings and constructions of all descriptions and of any category and any share or interest (not being a leasehold interest) therein, but does not include any lands, trees, vines, houses or other buildings or constructions whereof the ownership is by any law or custom not required to be registered in the books of the Land Registry Office.

“Unregistered owner” means any person whether in the occupation or not of any immovable property, who is entitled to be registered in the books of the Land Registry Office as the owner or possessor of such immovable property.

“Owner or occupier” and “owner” mean the person registered or entitled to be registered in the books of the Land Registry Office as the owner of the property. 13. 1913, 9.

“ Principal Land Registry Officer ” means with reference to the District of Nicosia, the Registrar-General, and, with reference to any other District, the Commissioner of the District, unless the High Commissioner shall direct otherwise.

PART I.—REGISTRATION.

Compulsory registration of unregistered property.

3. When any immovable property is not registered in the books of the Land Registry Office in the name of the person by Law entitled thereto, the Principal Land Registry Officer may compel the same to be so registered in accordance with the following provisions.

Notice on unregistered owner to register within sixty days.

4.—(1.) For the purpose aforesaid the Principal Land Registry Officer may serve or cause to be served upon any person whom he may believe to be an unregistered owner a notice in writing, in English, Turkish, or Greek, as the case may require, calling upon him within sixty days from the date of the service of such notice to cause such property to be registered in his name or to show cause why such registration should not be made, and a notice to the like effect shall be posted for general information at the place where public notices are usually posted in the village within the boundaries of which the property is situate.

Contents of notice.

(2.) Every such notice shall contain a description of the immovable property, its extent, boundaries and situation, 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.

Formerly s. 5(1)

Service.

(3.) Service of a notice upon an unregistered owner shall be effected :—

Formerly s. 5(2)

- (i.) By handing it to the person to be served therewith, or
- (ii.) On refusal by him to accept the same by tendering it to him and informing him that it is a notice from the Land Registry Office under the provisions of this Law, or
- (iii.) By leaving it at his usual place of residence.

On general registration and valuation general plan and particulars to be furnished to Mukhtar. s. 1909, 2. Requisites of notice to

5. Where a general registration and valuation has been directed to be made of all the immovable property in any village and a plan of the village lands and of the various holdings as surveyed, together with a statement of particulars of the areas, boundaries and names of the owners of the several holdings, has been furnished to the Mukhtar the following provisions shall have effect :—

- (1.) The notice required by section 4 to be served upon the unregistered owner shall be a good and sufficient notice for the purposes of the law if it specifies the nature and extent of the

property and the fees payable in respect of the registration of it with a reference to the number of the plot and plan in which the property appears.

unregistered owners on general registration.

(2.) In lieu of the notice referred to in the concluding portion of section 4, sub-section (1), there shall be posted for general information at the place where public notices are usually posted in the village a notice to the effect that the plan and particulars aforesaid have been so furnished to the Mukhtar.

Notification of deposit of plans and particulars with Mukhtar.

(3.) Every owner of property in the village is empowered on application to the Mukhtar to obtain access to and to make any extract from or copy of the plan and statement of particulars aforesaid, and any Mukhtar who fails on demand to give access to or to allow extracts or copies to be made of such plan or particulars shall be liable to a fine not exceeding two pounds.

Owners to have access to and obtain copies of plan, etc.

6.—(1.) In the case where the unregistered owner is an infant or of unsound mind, or resident abroad, the notice may be served upon the guardian or duly authorized agent of such person, as the case may require, or, where such guardian or agent cannot be found, by affixing the notice to some conspicuous part of the property or to the church or mosque of the village in which the property is situate.

Service of notice on infants, persons of unsound mind and absentees.

(2.) If, in the case of an infant, no guardian has been appointed the notice may be served upon the living parent, if any, or upon the person with whom the infant resides or under whose care he is; but where the Mukhtar of the village in which the parent or person having care of the infant resides gives notice in writing to the Principal Land Registry Officer that such parent or person is incompetent to represent the infant for the purposes of this Law, the Principal Land Registry Officer shall apply to the District Court or a Judge thereof for the appointment of a person to represent the infant in manner provided by the next sub-section of this section.

(3.) Where no guardian of a person of unsound mind or agent of an absentee has been appointed, or where such guardian or agent is unknown, the Principal Land Registry Officer may apply to the District Court or a Judge thereof to appoint a person to represent the unregistered owner for the purposes of this Law, and service of notice on the person so appointed shall be deemed to be good service for the purposes of this Law.

Guardians for above.

7. If the unregistered owner on whom notice is served fails to cause the immovable property specified in the notice to be registered in accordance with the terms of the notice, or does not, within the time specified, show good cause why the registration should not

Power of Principal Land Registry Officer.

made, the Principal Land Registry Officer may proceed to register such property in the name of the unregistered owner.

Provided however that the Principal Land Registry Officer shall not register any share or interest in any immovable property under the provisions of this section other than the share or interest to which such unregistered owner is entitled.

Payment of
fee on regis-
tration.

8.—(1.) Upon the registration under the foregoing provisions of any immovable property of the categories of Arazi-Mirié or Arazi-Mevcoufé the fee which is by Law chargeable upon such registration (hereinafter referred to as the transfer fee) shall be payable in three equal instalments of which the first shall be due on the first day of October next following the date of registration and the remaining two upon the first day of October in each of the succeeding two years.

(2.) Upon such registration of immovable property of any category other than Arazi-Mirié or Arazi-Mevcoufé the whole of the transfer fee shall be payable on the first day of October next following the date of registration.

(3.) The fees to be levied in respect of any registration effected under this Law shall be in accordance with the amendments hereinafter set out in section 29.

Registration
fee a charge
upon the
property.

9. The payment of the transfer fee due in respect of any immovable property registered under the foregoing provisions shall be a charge upon such property having priority over all charges and incumbrances whatsoever and whether accruing before or after the date of registration, and no subsequent transfer of the property shall be registered in the Land Registry Office until the transfer fee due in respect of the registration effected under the provisions of section 7 has been paid in full.

Enforcement
of payment
of registra-
tion fee by
sale of
property.

10.—(1.) Where any sum or instalment by way of transfer fee remains unpaid after the date on which the same has become payable, the Principal Land Registry Officer may by notice in writing call upon the person by whom the fee is due to pay the same by a date to be fixed, and, if payment be not duly made in accordance with the terms of the notice, it shall be lawful for the Principal Land Registry Officer without further process to sell so much of the immovable property in the possession of such person as may be deemed sufficient to realize on sale:—

- (i.) The transfer fee or instalment then due;
- (ii.) All other instalments remaining to be paid to complete the payment of the transfer fee in full.

Provided however that if such person prior to the date appointed for the sale pays to the Principal Land Registry Officer or, on the day of the sale, to the person appointed to conduct the sale the transfer fee or instalment so due, together with the charge for posting the notices of sale, the sale shall forthwith be stayed.

(2.) Every sale of property under the provisions of the preceding sub-section shall be conducted in conformity with the Rules of Sale for the time being in force with regard to the sale of immovable property in execution of a judgment, but no fee shall be charged for preparation of the notices of sale in the Land Registry Office. Upon any such sale it shall be lawful for the Principal Land Registry Officer to fix a reserve price and to direct that the property ordered to be sold shall not be sold unless the amount bid therefor and to be paid by the purchaser shall be equal to or shall exceed such reserve price.

Sale to be held in accordance with Rules of Sale.

(3.) On the completion of any such sale it shall be lawful for the Principal Land Registry Officer to apply the proceeds of such sale in payment of the expenses of the sale, the transfer fee or instalments then due or all other instalments remaining to be paid as aforesaid, as the case may be; and, if the sum realized at the sale is more than sufficient to meet these payments, the surplus shall be paid to the unregistered owner, or, where he cannot be found, into the public treasury, to remain there until claimed by him or by his lawful heirs.

Application of proceeds on completion of sale.

(4.) Where any unregistered owner or other person is aggrieved by any decision of a Principal Land Registry Officer to cause his property to be sold under the provisions of this section he may apply to the District Court of the District in which the property offered for sale is situate for an order to stay the sale and to restrain the Principal Land Registry Officer from taking further action in the matter, and, at the hearing of such application, it shall be lawful for the District Court to make such order as the justice of the case may seem to it to require.

Unregistered owner may apply to District Court to stay sale.

11. No registration shall be enforced under the provisions of Part I. of this Law unless and until the immovable property the subject of such registration has been valued under the provisions of sections 13 to 24; and where the fee leviable in respect of such registration is proportional to the value of the property it shall be calculated upon the value so determined.

Determination of value for calculation of fees.

Provided always that where no general registration and valuation has been made and application is made for the registration of title to immovable property in the name of a person by law entitled thereto and the property is registered in the name of some person other than the person by law entitled thereto, the Principal Land

Application for registration. Notice to persons interested.