



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1566 of 4th February 2010
LEGISLATION

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IMMOVABLE PROPERTY (TENURE, REGISTRATION AND VALUATION)
(AMENDMENT) ORDINANCE 2010

An Ordinance to consolidate section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance

J. H. GORDON
ADMINISTRATOR

2nd February 2010.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title

This Ordinance may be cited as the Immovable Property (Tenure, Registration and Valuation) (Amendment) Ordinance 2010.

2. Section 27 repealed and replaced

Section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance **(a)** is repealed and replaced with—

“27. General provisions relating to division etc. of immovable property

- (1) The following restrictions apply in all cases where immovable property is divided or partitioned, and a division or partition of immovable property is not lawful if it contravenes any such restrictions, namely—
 - (a) no immovable property which is suitable for building site purposes nor any building is to be divided into separate holdings except in accordance with the provisions of any Ordinance or Regulation in force for the time being;
 - (b) no vineyard, garden, forest, or land irrigated or capable of being irrigated from a perennial source of water is to 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 is to be divided into separate holdings of less than five donums in extent;
 - (d) subject to paragraphs (a), (b) and (c) of this subsection, no immovable property is to be divided into separate holdings unless in the opinion of the Chief Officer each such holding can properly and conveniently be held and enjoyed as a separate and self-contained tenement;
 - (e) no tree is to be allocated to more than one person;
 - (f) no land in which a person owns a share is to be allocated to such person as his separate property unless there is also allocated to him everything planted or growing on that land.
- (2) Notwithstanding subsection (1)(b) and (c), but subject to subsection (3), the following restrictions apply to any area where a Land Consolidation Association has been constituted or a consolidation of land has been effected under the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999**(b)**—
- (a) no vineyard, garden, forest or land irrigated from a perennial or seasonal source of water or capable of being irrigated from a perennial source of water is to be divided into holdings of less than two donums in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than four donums in extent;
 - (b) no land which is not irrigated or is not capable of being irrigated from a perennial or seasonal source of water is to be divided into holdings of less than ten donums in extent.
- (3) The Chief Officer may, by a notice published in the Gazette specify that the minimum extents specified in paragraphs (b) and (c) of subsection (1) are to apply within an area instead of the minimum extents specified in paragraphs (a) and (b) of subsection (2) respectively.
- (4) Notwithstanding section 9, this section is to apply to all cases of division or partition of immovable property made after the date of the coming into operation of this Ordinance or within 10 years immediately before such date and where the property taken under any such division or partition contravenes this section no title by adverse possession is to be acquired over that property.”.

3. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

Notes

- (a) Cap 224, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (b) Ordinance 18/99.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Immovable Property (Tenure, Registration and Valuation) (Amendment) Ordinance 2010 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The Ordinance consolidates section 27 of the Immovable Property (Tenure Registration and Valuation) Ordinance, which has been amended on numerous occasions. The language has also been modernised. Section 27 replicates the effect of the analogous provision in the Republican Immovable Property (Tenure, Registration and Valuation) Law.

