

Handwritten signature/initials

THE WATER SUPPLY (SPECIAL MEASURES)

LAW No. 32/64

(Incorporating amendments made by Laws
passed upto the 30th November 1975)

1964

35/65

17/75

Prepared by the Legal Adviser to the
Department of Water Development.

(Charles Kyprakides)

Nicosia the 30th November 1975

LAW 32/64

WATER SUPPLY (SPECIAL MEASURES) LAW 1964 No. 32/64 (incorporating the amendments made by the WATER SUPPLY (SPECIAL MEASURES) (AMENDMENT) LAWS 1965 No. 35/65 and 1975 No. 17/75

A law to make provision for the conservation and protection of water resources in certain areas within which there is, or is likely to be a serious deficiency in the Water supply.

9th July 1964

The House of Representatives enacts as follows :

Short
title

1. This Law may be cited as the Water Supply (Special Measures) Law 1964.

Inter-
preta-
tion.

2. In this Law, unless the context otherwise requires :

"controlled area" means an area declared under subsection (1) of section 3.

"Director" means the Director of the Department of Water Development of the Ministry of Agriculture and Natural Resources and includes any officer of the Department of Water Development duly authorized by him in this respect;

"District Officer" means the District Officer of the district where the well or other work is situated or is proposed to be sunk or constructed and includes any officer of the District Office duly authorized by him in this respect;

"other work" means any work other than the well whereby underground water is raised or brought to the surface;

"permit" means a permit granted under section 5;

"water fittings" includes channels, water-pipes, taps, cocks, valves, ferrules, meters, cisterns, pump engines, pumping motors and other similar apparatus used in connection with the supply and use of water;

Cap 351
47/61
19/62

"well" has the meaning assigned to such expression by section 2 of the Wells Law.

Controlled areas.

3.(1) Notwithstanding anything in any other Law contained, if the Council of Ministers is satisfied that by reason of exceptional circumstances a serious shortage or deficiency of water exists or is likely to exist within a certain area and that special measures for the conservation of the water resources and maintenance of water supplies in such area are necessary in the public interest, whether for the protection of water supplies used for irrigation, agricultural, industrial or other particular purposes, the Council of Ministers may, by Order published in the Official Gazette of the Republic, declare such area to be a controlled area and thereupon the provisions of this Law, shall apply to such area in respect of the matters by this Law provided.

(2) The Council of Ministers may, if satisfied that the circumstances which led to the making of an Order under sub-section (1) have ceased to exist or that the public interest so requires, cancel the Order made under sub-section (1) and upon such cancellation the provisions of this Law shall cease to apply to the controlled area.

Restrictions etc in respect of controlled areas. 4.(1) Subject to the provisions of this Law and notwithstanding anything in any other Law contained, on the declaration of a controlled area no person shall;

(a) begin to drill, sink or construct a well or other work for the purpose of abstracting underground water, save under a permit granted under the provisions of this Law; or

2(a) of 17/75 (a)1 να άντλήση, λάβη, χρησιμοποίηση ή έκμεταλλευθή υπόγειον ύδωρ ειμή δυνάμει τών διατάξεων του παρόντος Νόμου.

2(a) of 35/65. (b) widen, deepen, or otherwise extend any existing well or other work for the purpose of abstracting underground water without obtaining a permit under the provisions of this Law or proceed to clean or repair any existing well except after forty-eight hours, written notice thereof to the District Officer; or

(c) abstract any underground water from any well or other work constructed or extended in contravention of the foregoing paragraphs (a) or (b); or

(d) cause or allow any underground water to run to waste from any well or other work, except for the purpose of testing the extent or quality of supply, or for cleaning, purifying, examining or repairing the well or other work; or

2(b) of
35/65.

(e) abstract from any well or other work water in excess of the volume prescribed under this Law in respect of such well or other work, or of the volume that may be specified in a permit issued under the provisions of this Law or, where such volume is not prescribed or specified, in excess of his reasonable requirements regard being had to the obtaining circumstances.

2(b)
τοῦ
17/75

Διὰ τοῦς σκοποῦς τοῦ παρόντος ἐδαφίου θὰ τεκμαίρεται ὅτι πράξις ἐνεργεῖα διὰ τὴν ὁποῖαν ἀπαιτεῖται ἄδεια δυνάμει τῶν διατάξεων τοῦ παρόντος ἐδαφίου, ἐγένετο ὑπὸ τοῦ ἰδιοκτῆτου τοῦ τεμ. γῆς ἐπὶ τῆς ὁποίας ἐγένετο ἡ τοιαύτη πράξις ἢ ἐνεργεῖα, ἐκτός εἰν ἤθελεν ἀποδειχθῆ ὅτι ἡ ἐν λόγῳ πράξις ἢ ἐνεργεῖα ἐγένετο τῆ ἀγνοία του.

(2) Any person who fails, to comply with, or acts in contravention of, any of the provisions of sub-section (1) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

3 of
17/75

Permit 5.(1) Any permit provided by this Law shall be granted and the conditions and restrictions on such permit provided by this Law shall be imposed, by the District Officer with the concurrence of the Director. Any such permit shall be in the prescribed form.

(2) Any conditions and restrictions imposed by such permit may relate to the drilling, sinking, construction, widening, deepening or other extension, cleaning or repairing of the well, or other work, the manner in which the water shall be taken therefrom, the volume of water to extracted therefrom and the use to which such water shall be put; and with regard to the conditions and restrictions relating to such use and with a view to ensuring compliance with the conditions on which the permit has been granted, the holder of such permit may be required to install a water meter on such well or other work.

(3) The District Officer, with the concurrence of the Director, may add to or alter any conditions or restrictions imposed under sub-section (2) or cancel any permit granted under this section, if the circumstances have so changed as to justify such a course in the public interest.

(4) The Director will give or, as the case may be, withhold his concurrence under this section having due regard to the general water situation in the controlled area and the effect the proposed course might have on the water resources or the water supply therein.

(5) The sinking or the construction of any well or other work or the carrying out of any other operation in respect of which a permit has been granted, under the provisions of this Law shall be completed within a period of twelve months of the date of such permit;

Provided that, if such operation is not completed within the aforementioned period, the permit may be renewed for a further period of twelve months.

(6) Any person who fails to comply with, or contravenes, the provisions of sub-section (5) or who fails to comply with, or contravenes, any of the conditions or restrictions of a permit shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

4 of
17/75

Exist- 6. Any permit granted under any other law in respect of
ing any well or other work shall be subject to the provisions
permits of this Law and of any Regulations made thereunder and any
conditions imposed thereby shall be adapted accordingly.

7(1) The District Officer shall be responsible for the carrying out of the provisions of this Law and of any Regulations made thereunder and for this purpose he shall have power to enter upon any land whereon the well or other work is situated for the purpose of ascertaining that the provisions of this Law or of any Regulations made thereunder or the conditions of any permit are being complied with, and for this purpose he may cause an investigation in respect of, or measurement of, the water pumped from any well or other work to be made through the appropriate officers of the Ministry of Agriculture and Natural Resources who shall have power for this purpose to enter upon any such land and carry out any such investigation or measurement.

(2) Any person who hinders or obstructs the District Officer or any other appropriate officer in the performance of any of his duties under sub-section (1) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, or to both such imprisonment and fine.

Power to
prose-
cute.

8. Subject to any directions of the Attorney-General of the Republic, the District Officer may initiate prosecution for any offence committed in contravention of this Law or of any Regulations made thereunder.

Regu-
lations

9.(1) The Council of Ministers may, in respect of a controlled area and notwithstanding anything in any other Law contained, make Regulations, to be published in the Official Gazette of the Republic, for preventing waste, undue consumption, misuse or contamination of water within the controlled area, and generally for carrying into effect the purposes of this Law.

(2) Without prejudice to the generality of sub-section (1), any such Regulations may include provisions -

(a) prescribing anything which under this Law is required to be, or may be, prescribed;

(b) prescribing any fees in respect of the grant or renewal of a permit under this Law;

(c) regulating or restricting the volume of water to be extracted from any well or other work, the conveying of any such water and the use of water meters or other water measuring devices for the purpose of measuring the volume of water extracted from such well or other work;

(d) prescribing the size, nature, materials and the workmanship as well as the mode of arrangement, connection, disconnection, alteration and repair of water fittings;

(e) forbidding the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit, or be likely to cause or permit, waste, undue consumption, misuse, erroneous measurement or contamination of water;

(f) regulating entry on any land and the inspection of any well or other work situated within the controlled area.

(3) Any Regulations made under this section shall be laid before the House of Representatives. If within fifteen days of the date of such laying the House of Representatives does not by resolution amend, or annul, in whole or in part, the Regulations so laid, they shall at once come into force. In the event of their amendment, in whole or in part, by the House of Representatives, the Regulations shall at once come into force as amended thereby.

(4) Any person who fails to comply with, or contravenes any of the provisions of such Regulations shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

5 of
17/75

Additional
powers
of the
Court.

10.(1) When a summons is issued in respect of any offence committed in contravention of this Law, the Court may, on the application of the prosecution, by an interim order compel the accused to suspend or discontinue, pending the final determination of the case, any act or operation alleged by the prosecution of the case, any act or operation alleged by the prosecution to be made in contravention of the provisions of this Law.

Cap 6
14/66
50/62
11/63

Any such interim order shall be subject to the provisions of the Civil Procedure Law, the Courts of Justice Law and the Rules of Court.

(2) Any court trying an offence committed in contravention of this Law, may, on conviction, in addition to any punishment which it is empowered to impose under this Law -

(a) order that the well or other work in respect of which the offence has been committed be filled in or closed or may make such order as appears to the Court to be necessary in the circumstances;

(b) order that any drilling machine in respect of which the offence has been committed be forfeited;

(c) order that any water fittings in respect of which the offence has been committed be altered, repaired or replaced in such a way as to comply with the requirements of any Regulations made under this Law.

(3) If the person against whom an order of the Court under paragraph (a) or (c) of sub-section (1) has been made fails to comply with such order, the Court (without prejudice to its power to impose a penalty for contempt of Court) may authorize the taking of such steps as may be necessary to execute the order; and any expenses incurred in taking any such steps shall be recoverable as a penalty from the person convicted.

3 of
35/65

11. The provisions of section 88 of the criminal Procedure Law shall not apply to any criminal prosecution against any person charged with the commission of any offence under this Law.

CK/AC