

9 of 1908.

TO ENABLE IMMOVABLE PROPERTY TO BE ACQUIRED BY AND REGISTERED
IN THE NAMES OF CORPORATE BODIES.

C. A. KING-HARMAN.]

[December 9, 1908.

1. This Law may be cited as the Corporate Bodies (Immovable Property Registration) Law, 1908. Short title.

2. For the purposes of this Law, unless the context otherwise requires:— Definitions.

The term "Immovable Property" means and includes lands, trees, vines, water, houses and other buildings and constructions of all descriptions and of any category, and any share or interest therein (not being a leasehold interest) but does not include any lands, trees, vines, water, 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.

The term "Corporate Body" means and includes:—

- (a.) Any Company, Association or Society already incorporated or which may hereafter be incorporated under any Act of Parliament in the United Kingdom, or under any Law, Ordinance, or other Enactment of any British Colony or Possession;
- (b.) Any Company, Association, Society or other body the corporate existence of which is recognized by the Laws of the State within which it has its principal place of business;
- (c.) Any Collectif, Commandite or Anonyme partnership or Company formed under the Ottoman Commercial Code and qualified to pursue its business within the Island;
- (d.) Any Agricultural Bank established in Cyprus under the provisions of the Agricultural Bank Law, 1890.
- (e.) Any Charitable, Philanthropic, Social or Athletic Institution or Association not established or conducted for commercial gain.

3. Immovable property may be acquired by and registered in the books of the Land Registry Office in the name of a corporate body, and when so registered the following provisions shall have effect:— Registration of immovable property in name of corporate body.

- (a.) The Laws and Regulations for the time being in force with regard to the tenure of such property shall apply in as full and the like manner as to the same property held and enjoyed by private individuals;

(b.) A corporate body in whose name immovable property is registered shall have, with reference to the sale, mortgage or other disposition of such property, the same rights as are by Law conferred upon individuals in whose names immovable property is registered.

Evidence
required on
registration.

4. On application to register immovable property in the name of a corporate body there shall be produced to the Registrar-General, and recorded by him if registration is effected:—

- (1.) In the case where incorporated in the United Kingdom or any British Colony or Possession;
 - (a.) A certificate of incorporation under the hand of the Registrar of Joint Stock Companies or of an Assistant Registrar;
 - (b.) A copy of any Act, Ordinance, Statute or other Enactment under the provisions of which such corporate body was created, and purporting to have been printed by the Government Printer or at the Government Printing Office of such Colony or Possession.
- (2.) In the case where incorporated otherwise than in the United Kingdom or a British Colony or Possession copies of the Law, Order, or Enactment, and of any act or deed made thereunder by virtue of which, the corporate body was incorporated or its corporate existence recognized, every such copy being proved to be true and correct by the oath or solemn declaration of some officer of the corporation made before a Notary Public or Justice of the Peace in Great Britain or Ireland, or before a British Consul, or before the President of a District Court in Cyprus.
- (3.)—(a.) In the case of a Collectif or Commandite partnership or Company, a copy of the articles of partnership certified by the Registrar of a District Court to be a true copy of the articles of partnership produced to him at the time of the certification of such copy.
 - (b.) In the case of an Anonyme Company a copy of the Order of the High Commissioner authorizing the incorporation of such company pursuant to the provisions of the Ottoman Commercial Code;
- (4.) In the case of an Agricultural Bank, a certificate under the hand of the Chief Secretary to Government or any officer authorized to act on his behalf testifying that such Bank has been duly established in Cyprus;
- (5.) In the case of a Charitable, Philanthropic, Social or Athletic Institution or Association an affidavit by the President or Chairman of the Committee or Managing Body thereof to the effect

that such Institution or Association is established solely for Charitable, Philanthropic, Social or Athletic purposes and not for purposes of commercial gain.

5. On application for registration under this Law there shall be deposited with the Registrar-General a writing under the hand of the Secretary or other officer or member of the corporate body giving some address in the Island as the business address of the corporate body in Cyprus. Service of any notices or documents at such address shall be a good service of the same on the corporate body.

Local business address must be lodged with Registrar-General.

6. No registration effected under the provisions of this Law shall take cognisance of the relative shares or interests of the respective partners, shareholders or other persons constituting or interested in a corporate body, and all immovable property acquired by and registered in the name of a corporate body shall be deemed to be held collectively by and on behalf of such body.

Registration to be in name of corporate body.

7. A person shall be entitled to act generally or in respect of any specified matter as the attorney of a corporate body :—

Evidence required of authority to act on behalf of corporate body.

(a.) If he is empowered in that behalf by an instrument under the common seal of the corporate body, or

(b.) In the case of a corporate body whose corporate action is lawfully expressed otherwise than by means of a common seal, if he is empowered to act as aforesaid by an instrument executed in the manner in which instruments are lawfully executed by such corporate body;

(c.) In the case of a Charitable, Philanthropic, Social or Athletic Institution or Association if he is empowered in that behalf by a document signed by the President or Chairman and one or more members of the Committee or Managing Body thereof.

8. It shall not be incumbent on the Registrar-General to test or determine in any case the validity of the transactions by or on behalf of a corporate body, and any registration may be effected by him and any disposition allowed by him of immovable property registered in the name of a corporate body if the documents and instruments tendered in respect thereof appear to him to be properly executed in accordance with the provisions of this Law.

Registrar General not compelled to test validity of proceedings.

9. The Registrar-General or any person beneficially interested in or any officer of a corporate body may apply to the District Court for directions on any of the following matters, namely :—

Court to have power to give directions.

(1.) As to the right of any body of persons to be registered or to continue to be registered as a corporate body, or

(2.) As to the authenticity or sufficiency of any document which may be produced in support of the claim of any body of persons to be so registered, or

(3.) As to the right of any person to act as attorney on behalf of any corporate body generally or in respect of any specific act.

Upon the hearing of such application the Court after hearing all interested parties and the Registrar-General, or such of them as shall attend, shall make such order as may appear just. There shall be an appeal from every such order in like manner as though it were an order in a civil action.

Annual payment in lieu of fees on devolution by inheritance

10. In addition to the fee leviable upon effecting an original registration or a registration by prescription, sale, gift or exchange, there shall be paid in respect of all immovable property while registered in the name of a corporate body an annual payment equal to one-fortieth of the fee which would be payable on the devolution by inheritance of such property, the first of such payments being due on the first day of April next following the date of registration; and such payment shall be recovered with and in the same manner as the Verghi Kimat due upon the property in question.

Law not applicable to Ecclesiastical properties.

11. Nothing in this Law shall apply to immovable property in the occupation of any Archbishop or Bishop acting on behalf of his See, or of any Abbot, Governing Body or Committee of Management of any Monastery or Church or to the registration of any property under sub-sections (2), (3) and (4) of section 12 of the Immovable Property Registration and Valuation Law, 1907, in the name of any person as trustee for a Church or Monastery.

Rules of Court.

12. The High Commissioner, with the advice and assistance of the Chief Justice, may from time to time make Rules of Court for regulating the course of procedure to be observed upon any application to the Court under this Law and for prescribing the fees of Court to be charged in respect of such proceedings.

10 OF 1917.

TO PROVIDE FOR THE GIVING OF SECURITY BY OFFICIALS.

JOHN E. CLAUSON.]

[June 28, 1917.

Short title.

1. This Law may be cited as the Official Security (Immovable Property) Law, 1917.