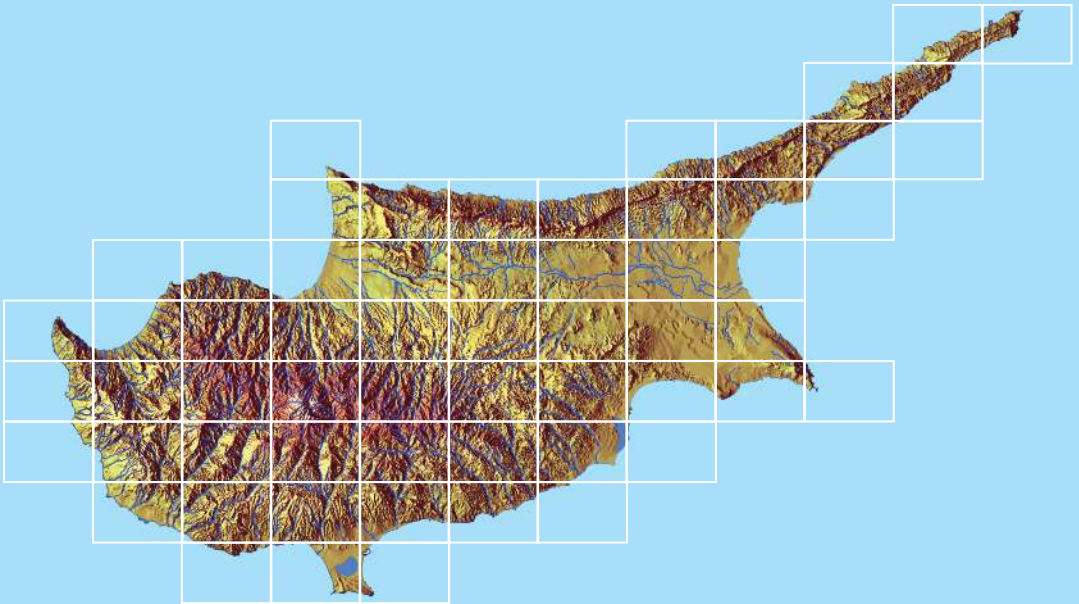


Department of Lands
and Surveys

Citizen's Charter



Republic of Cyprus
Ministry of Interior

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DEPARTMENT OF LANDS & SURVEYS

Citizen's Charter

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- All information contained in this publication can be found on the webpage of the Department of Lands and Surveys at **www.moi.gov.cy/dls**, where further useful information is provided, as well as on the webpage "Citizen's Charter" at www.moi.gov.cy/cc
- Application Forms are available at all District Land and Surveys Offices as well as on the webpage of the Department of Lands and Surveys, **www.moi.gov.cy/dls** (see Application Forms/Types of Applications in the first page).
- For fees and charges payable to the Department of Lands and Surveys (regarding various transactions and the main services provided to the public), which are reviewed from time to time, a relevant table has been added as an ANNEX at the end of this publication.

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INTRODUCTION

The Department of Lands and Surveys is the competent Government Service which provides services related to all rights associated with immovable property, land surveying, cartography, registration, transfer and mortgage of immovable property, ownership of land, evaluation of immovable property and management of state land. In general, all of the activities of the Department evolve around land, which is deemed as one of the most important factors for the development of the island.

The Department of Lands and Surveys within the context of its constant efforts for improvement and upgrading of the services provided to the public has prepared this updated publication, which contains the most important services provided, taking into account the most recent Laws/Regulations, as well as the latest alterations to the respective procedures.

The purpose of this Charter is to provide direct information to the public for all types of applications submitted to the Department, in conjunction to the services provided, and with respect to the procedures to be followed by each interested person for the completion of the matters that concern them as soon as possible.

The information contained in this Charter is of a general nature and does not constitute full and detailed interpretation of any Laws or Regulations, nor does it contain an analytical description of the procedures followed by the Department. For more information, the public is advised to contact the Lands Offices in each District, or the webpage of the Department at www.moi.gov.cy/dls, where, among others, all types of applications regarding the Department are available for quick access purposes.

The Department of Lands and Surveys, by utilizing modern technology within the framework of its strategy, proceeds with the upgrading of the Land Information System and the development of electronic services/applications, which will both enhance as best as possible the implementation of the next goal, which is the development of an electronic e-government system whereby a large number of applications will be processed through the internet.



Andreas Christodoulou

Director Department of Lands and Surveys



1. DELEGATION OF LAND SURVEYING WORK TO PRIVATE LICENSED SURVEYORS

Upon the implementation of the Surveys Law 67(I)/2005, all citizens, Government Departments, Services, Local Administration Authorities (Municipalities – Local Councils) and Organisations, may delegate cases requiring land surveying to Private Licenced Surveyors. The delegation of the above contract may be done for cases of any kind requiring land surveying (apart from boundary disputes) and in any area.

Upon the completion of the surveying work by the Private Licensed Surveyor, the Department of Lands and Surveys carries out a research with respect to the accuracy and completeness of the work and updates the cadastral and land registers and issues the relevant certificates, depending on the type of each case. The remuneration of the Private Licensed Surveyor is paid by the applicant under an agreement contracted between them. Furthermore, special fees are paid to the Lands and Surveys Department, for preparation purposes, and for checking the surveying work, as well as for the remaining works of the Department, as it is demonstrated in the Fees and Charges Table (**see ANNEX**).

The delegation of work to Private Licensed Surveyors contributes towards the release of the Department from cases requiring land surveying work which have been delayed for a long time. The large number of these delayed cases makes it impossible to determine the time required for the completion of certain work, in case this is undertaken by the Department.

An updated list of the Private Licensed Surveyors is posted on the first page of the webpage of the Department of Lands and Surveys at www.moi.gov.cy/dls.

2. APPLICATIONS

2.1. REGISTRATION OF IMMOVABLE PROPERTY BY ADVERSE POSSESSION (Section 10 of the Immovable Property (Tenure, Registration and Valuation) Law, Cap. 224)

Any person claiming the ownership of immovable property by adverse possession (ownership) and who has completed the “adverse possession” period, may apply to the Lands Office in the District where the property is situated to register the property in his/her name.

The application must be accompanied by a certificate signed by the President of the Community Council in whose boundaries the property is situated. The certificate shall attest the true facts of the adverse possession.

Note:

Where the property in question is situated within the boundaries of a Community Council which has no President and a Community Council, a certificate signed by the President of the adjacent Community Council may be accepted.

No title of immovable property by adverse possession may be acquired unless the requirements of the undisputed and uninterrupted adverse possession period stipulated from time to time by the law are met. The period of prescription and the prerequisites of adverse possession are different today than those applicable before 1.9.1946. The essential characteristics of adverse possession are the time of commencement of such possession, the duration thereof and the existence or not of registration (title) for the specific property. Currently the law provides that the possession of immovable property for a **full period of thirty (30) years** entitles a person to become the owner of such property whereas the law provides that no title of immovable property may be acquired by adverse possession where the property belongs:

- to the State,
- to any owner whose property is registered (there is a title) in his/her name. The protection provided to the registered owner is not withdrawn due to his/her death,
- to any community (communal property).

Fees

Applications may only be considered upon payment of the prescribed fees (**see ANNEX, Index of Fees and Charges**).

Procedure for the examination of Applications

All applications for the registration of immovable property by adverse possession (ownership) are considered after a local inspection of the property carried out by Land Officers. The local enquiry is carried out in the presence of the applicants, the President of the Community Council or any representative thereof. For the completion of the inspection, the Land Officer must



ascertain all the particulars of the immovable property intended to be registered, its physical characteristics and the manner and period of prescription from the date of the local inspection and retrospectively to the last person registered. Where no title exists, the enquiry may go back even to 1900 or even before, if need be, always taking into account the data recorded in the Registers or other books kept with the Department of Lands & Surveys.

All data collected during the local inspection are included in a report prepared by the Land Officer and are certified by the President of the Community Council. After careful consideration the Director may either reject or forward the application for the issuance of the title. Where the application is rejected, the applicant shall be informed accordingly.

Time required for completion of the procedure

The time for the consideration of such applications varies depending on the particularity of each case, the accumulated volume of work and the available personnel.

Objections

Where any person disagrees with the Directors' decision on matters concerning cases of this nature, he/she may submit an objection stating all the reasons of his/her disagreement and all supporting data and pay all prescribed fees for the consideration of his/her objection.

Decision

Upon consideration of the objection, the Director of the Department of Lands and Surveys shall notify his decision to the interested persons, who may accept it or take legal action where they consider that their interests are prejudiced. In this case, they shall inform the Director of the Department of Lands & Surveys of such action.

2.2. REGISTRATION OF IMMOVABLE PROPERTY BY INHERITANCE, WILL OR INHERITANCE AND PARTITION

Upon the death of a person his/her estate, passes as a whole to his/her heirs whether under the provisions of the Law or by testamentary succession.

The heirs and the entitlement of each heir to the deceased's estate are determined by the relevant law in force at the time of his/her death. In addition, any person is entitled to dispose of by will the whole or any part of his/her estate to any person he/she wishes. There are, however, restrictions as to the share of the property that such person may dispose of by will. These restrictions relate to the composition of his/her family (whether he/she has children, spouse, sisters, father, mother etc). The more distant his/her relatives are the larger the share of the estate he/she may dispose of.

Where the deceased's estate includes immovable properties, such properties must be registered in the name of the heirs or legatees according to each heir's/legatee's share or according to the will or according to the distribution made between the heirs or by the administrator of the estate.

The registration of immovable property in the name of any beneficiary is made by filing an application with all relevant documents attached thereto at any District Land Office, whether by the person or persons in whose name the property is to be registered or by their agents or attorney.

Fees

The registration of immovable property in the name of a legitimate heir is free of charge. Fees are paid solely for:

- acceptance of the applications, and
- registration certificates to be issued. (***For prescribed fees see ANNEX***)

Unlike in the case of registration of property in the name of **legitimate heirs**, for which no fees are levied, additional fees are payable for the registration of immovable property in the name of **legatees** (non-legitimate heirs) assessed on the market value of the property on the day of the legator's death.

All applications must be accompanied by the necessary documents as the case may be:

- Certificate of death which must include the name of the heirs of the deceased, the legator's exact date of death, exact and full particulars of the heirs, their relation to the deceased (whether son, daughter, brother sister, etc) the address and identity number of each heir, their permanent address, their legal competence at the date of the legator's death. Such particulars must be included in each certificate.
- Statement of partition signed by the heirs with certification of their signature.
- Certificate of the condition and possession of the property certified by the mukhtar of the quarter of the Municipality or the President of the Community Council in whose boundaries the property is situated.
- Licence from the Registrar of Estate Duty.
 - For persons deceased before 01.01.2000 (namely from 01.01.1942 to 31.12.1999) a Form I.R.238 must be produced (authorisation by the Director of the Department of Internal Revenue).
 - For persons deceased after 01.01.2000, a Form I.R.704 (written authorisation of the Director of the Department of Internal Revenue for the transfer/distribution of the property of the deceased) must be produced.
- Certificate of payment of the Immovable Property Tax from the Internal Revenue Department (see Form N.313).
- Receipts of payment of other taxes such as:
 - Town rate (obtained from the municipality).
 - Communal rate (from the Community).
 - Sewerage tax (obtained from the Sewerage Board).



- Certificate of registration of the properties or a search certificate (obtained from the Department of Lands & Surveys).
- Certified copy of Court order as to the appointment of an administrator, if any,
- Certified copy of will, if any, and
- Certificate of adoption, if any of the heirs is heir by adoption.

Notes:

- *Where an administrator for the property has been appointed, the declaration of partition and the certificate attesting the identity of the heirs and the condition of the real property may be prepared by the administrator himself, whose signature must be duly certified.*
- *Where the properties proposed to be registered in the name of the heirs are not registered in the legator's name or where their registration is not based on any plan made to scale or where their condition has changed, the application for registration shall be referred for a local enquiry.*

Time of completion of registration

The procedure of registration may take a few months where the application is not referred for a local investigation. Where, however, the registration is made following a local investigation, this procedure may take up to one year and this varies depending on the particularities of each case, accumulated volume of work and available personnel.

In order to facilitate the procedure, all interested persons are advised to file separate applications for each community or quarter, where the immovable property inherited is situated in different communities or quarters. Moreover, separate applications must be filed for registered and unregistered properties.

2.3. UPDATING OF TITLE

Updating of title, means the registration of immovable property, resulting from replacement of existing registration or registrations with a new registration or registrations, due to the alteration of the immovable property (such as erecting or demolishing buildings or if a borehole has been drilled) and it includes the registration of jointly owned buildings and jointly owned building units.

According to the amendments of the law, in 2011, updating of title may be carried out upon an application of the registered owner/s, either compulsorily by the Director, who may act voluntarily or upon an application of the Competent Authority, or upon an application by a person having an interest in the property, including a mortgagor or purchaser who has deposited the sale contract, pursuant to the Sale of Immovable Property (Specific Performance) Law 81(I) of 2011.

Where the applicant is the registered owner, the application is filed by the registered owner or his attorney at any District Lands Office, regardless of the district where the immovable property is situated. Such application must include the reason for requesting an updating of the title (e.g. to be based on the plans made to scale, for registering or striking off a building from the land register, etc) and the following documents must be attached thereto:

- certificate of registration (title) of the property,
- building permit with all plans and terms attached thereto,
- certificate of approval of building,
- permit for partition,
- permit for the well and plan attached thereto, and
- demolition permit etc.

All prescribed fees must be paid upon filing of the application (*see ANNEX, Index of Fees and Charges*)

The consideration of the above application presupposes the carrying out of a local enquiry in the applicant's presence and often in the presence of the President of the Community Council or Mukhtar or any representative thereof. The **time for consideration** of the application varies depending on the particularity of each case, the accumulated volume of work and available personnel.

Where the Director proceeds to a compulsory updating of title, then the registered owner or owners are called, within 60 days from the date of posting the notice, to either submit the required documents to the appropriate Lands Office for the required updating of the title, or to give sufficient reasons for not updating thereof. If the owner complies with the Director's notice, the updating process continues with the owner being the applicant. Where the owner, fails to comply with the Director's notice, or the reasons for not updating is not deemed as sufficiently justified, then the Director proceeds with the compulsory updating and at the same time he may impose on the owner an administrative fine up to €10.000. During the examination of the compulsory updating, the Director may request the owner, or any person having an interest in the property or from any competent authority, to produce any documents, plans or other data deemed necessary for the examination of the case.

A significant amendment with respect to the issuing of an updated title is the possibility to issue title deeds with notes in relation to building irregularities, and titles with notes prohibiting voluntary transfers, but this does not in any way legitimise the irregularities or unauthorised works.

It is noted that, in the case of partition of jointly owned buildings, a separate title may be issued for remaining, non-utilised development rights (unlimited building coverage ratio).

In all cases of title updating, the new titles are issued in the name/names of the owner/owners of the initial registration, in accordance to the distribution accepted and agreed by all.



2.4. EASEMENTS AND RIGHTS

Easements are enjoyed by a person over a property owned by another person and are divided into:

- **actual property easements**, where the right over the land of another person is held by the owner for the time being of the specific property, and
- **individual easements** where the right over the property is held by a specific person.

An easement may usually be acquired:

- upon grant from the owner of the property,
- by reservation upon the transfer of property, and
- upon compulsory acquisition (**solely for acquiring a right-of-way**).

2.4.1. Upon grant from the owner of the property

Such grant requires an agreement between the parties and the grant must be made in writing and the grant deed must include the following:

- particulars of the properties such as plot number, number cadastral or sheet/plan, block (if any), registration number etc.,
- full name, address and identity number of the parties, and
- detailed description of the right so granted.

The signature of the grantor of the easement must be certified.

For the public's convenience, the Department of Lands & Surveys has prepared Form N.251A (deed of grant) which is available at all Land Offices. The special form is posted on the official site of the Department of Lands and Surveys on the internet, www.moi.gov.cy/dls.

Form N.251A or any other deed of grant may be accompanied by a plan or sketch indicating the position, direction and extent of the easement or the part of the property which is subject to such right. It is noted that the plan or sketch accompanying the deed of grant must be signed by the grantor whereas his/her signature must be certified.

Registration of easement

An application must be filed for the registration/recording of an easement in the Land Register and on the certificate of registration of the properties concerned, accompanied by:

- form N.251A or any other deed of grant as the case may be,
- the certificates of registration (titles) of the properties involved (if any), and
- plan or sketch (if any).

The application is to be filed with the any District Lands Office and the fees levied by the Department of Lands & Surveys must be paid on the same day (**see ANNEX**). The application may be deposited by the person granting the easement or by any person in whose favour the easement is granted.

Since registration fees are levied upon registration of the easement, Form N.215A or any other deed of grant or the application must specify the reason for which such easement is granted such as upon gift, sale upon a consideration of €..... and also specify the degree of kindred between the interested parties.

The easement is registered upon an entry made in the Land Register and recorded on the certificates of registration of the properties to which such easement refers.

Time of completion of registration

The registration of the easement varies according to the particularity of each case, the accumulated volume of work and the available personnel.

2.4.2. Reservation of right upon transfer of property

Easement in the form of life interest or occupancy of a property, is established, upon the transfer of a property from one person to another and the transferor withholds such right for himself.

Such reservation is made with a statement in writing by the transferor and the transferee on the same form of transfer (N.270). The easement right is recorded upon registration of the transfer of property.

In the case of a reservation of the right to occupancy, where the transferor happens to have a share in the estate, the application is rejected. It is required that all joint owners of the remaining shares grant the same right (on the special form N.251A). However, where the property being transferred has been partitioned upon the transfer of the share by the transferor, the consent of the joint owner is required for the section where such right will be exercised.

2.4.3. Compulsory Acquisition of right-of-way (Law Cap. 224, Section 11A and Regulation 255/67)

Where a property is surrounded completely by other properties and is thus deprived of the necessary access to a public road or where the existing access is insufficient to make full use of the property, the owner may claim to obtain a right-of-way from adjoining properties upon payment of reasonable compensation.

Procedure – Application

The acquiring party (i.e. the registered owner claiming access) shall serve a notice upon the servient tenant (owner of the property through which access is claimed) on Form N.283 properly completed and signed and accompanied by a cadastral plan. Such form must contain the particulars of the dominant tenement (the property for which access is claimed) and of the servient tenement (the tenement from which access is claimed).



This notice is served upon the servient tenant to inform him of the acquiring party's intention to acquire access and the reason for which such access is necessary.

Note:

- It is the applicant's (owner's) responsibility to ascertain the name and the exact address of the owners of the adjoining properties so that the notice may be served upon them. All interested persons may obtain particulars of the adjoining properties on a certificate (**search certificate**) including ownership upon filing of an application and payment of the prescribed fees (**see ANNEX**).
- Such notices may be served by double registered post or handed personally in the presence of at least one witness (the presence of the witness is not necessary if the notice is served upon a public authority such as the General Director of the Ministry of Interior (with respect to state land) or the Director of the Turkish Cypriot properties, for the Minister of Interior as the Administrator of the Turkish Cypriot Properties (with respect to Turkish Cypriot Land).
- The **service** of the notices and of the copies of the plans is confirmed by means of an affidavit stating the persons upon whom the notice was served, the time and place of the service with the attachment of the postal advice of the double registered letter and copies of the notices (Form N.283) and of the plans. Where service was made to a representative of a Public Authority for all proposed servient tenements, no affidavit is required, apart from evidence of receipt.

- The acquiring party **must within sixty (60) days** from the service of the notice as mentioned above, file an application on Form N. 284 for the acquisition of the right-of-way.

Documents attached to the application

- Affidavit made by the owner of the dominant tenement with all documents accompanying it,
- Certificate of registration (title) of the property in favour of which the right-of-way is requested,
- Search certificate stating the owners of the properties from which the right-of-way is requested.

ATTENTION: After the lapse of the sixty-day (60) period the application shall not be accepted and the service of new notices is required.

Local enquiry

All interested parties are given at least seven days' notice for the purpose of a local enquiry. The visit to the premises takes place whether or not in the presence of the owners of the properties through which the right-of-way is requested. Interested parties are, in addition to the owners of the properties, any such persons in whose favour an encumbrance is registered in the books kept with the Department of Lands & Surveys.

The Land Officer considers the application carefully, hears all views, remarks and objections by any interested person. With regard to the conditions actual and legal identity of the properties, the Land Officer makes an effort to reach a compromise so that the parties may come to an

amicable agreement for the grant of the necessary right-of-way. Where the Land Officer fails in his effort for an amicable agreement, the position of the right-of-way, its extent with respect to the use of the property and the compensation to be paid are determined by the Director of the Department of Lands Office, bearing in mind that the right-of-way to be created must only cause the slightest possible damage, noise or disturbance to the interested parties. The Director's decision is documented on Form N.286 which should also include the right-of-way and describe its area of extent and the compensation payable. The position and direction of right-of-way is shown on the drawing/plan attached on Form N.286. The decision is notified to all interested parties and calls upon the acquiring party to deposit the estimated compensation with the Department of Lands and Surveys within a period of not less than thirty and not more than sixty days.

Note:

- *The period of thirty (30) days gives the opportunity to all interested parties to appeal before the court against the decision of the Director if they do not agree with the position, the direction or the extent of the right-of-way or the amount of compensation.*
- *If during the local enquiry it is ascertained that in addition to the proposed servient tenements there are also other suitable properties then the decision is postponed and the applicant is notified to serve Forms N.283 upon the owners of the other properties within the prescribed period of sixty (60) days.*

Fees

There are fees levied for acceptance of the application, for recording of the right and for registration (**see ANNEX**).

Time of completion of the procedure

This procedure takes not less than six months due to the deadlines required by the Regulations and it varies according to the particularity of each case, the accumulated volume of work and the available personnel.

2.5. ABANDONMENT & VARIATION OF EASEMENTS AND RIGHTS

2.5.1. Abandonment – Disuse

Where a registered easement has been abandoned, its beneficiary notifies in writing the District Lands Office where the property is situated. The statement is unilateral and no consent on behalf of the owner of the encumbered property is required. Where, however, the dominant tenement is subject to any encumbrance, the written consent of the person, in whose favour such encumbrance operates, is required for deletion of the easement from the records of the Department of Lands & Surveys.

Furthermore, any right (easement) ceases to exist if it has not been exercised for a continuous period of 30 years.



2.5.2. Abolition of right-of-way due to street opening

Where a new public road is constructed or any other access is created after the creation and acquisition of a right-of-way or where for any other reason the need of a right-of-way ceases to exist (where the dominant tenement is served in the same way and to the same extent by the public road or access created) the owner of the servient or dominant tenement is entitled to request the abolition of such right.

Procedure to be followed

- The owner of the servient or the dominant tenement shall file an application with any of the District Lands Offices. The application shall include the reasons for which the right-of-way is no longer necessary and request its abolition.
- The application may be accepted upon payment of the prescribed fees (**see ANNEX**).
- After a local enquiry the Director may decide whether the right must be abolished or not.
- The Director's decision on the abolition or not of the right-of-way is notified to all interested parties and to the persons who have any encumbrance registered against the properties.
- The Director's decision can be appealed.

Where the Director decides to abolish a right-of-way, the owner of the dominant tenement may claim compensation. In such case, the Director determines and includes the amount of such compensation in his decision.

The abolition becomes effective upon expiry of the prescribed period for the lodging of an appeal and after the deposition with the Department of Lands & Surveys of the compensation determined as aforementioned in the above decision.

The time of completion of the procedure is estimated to 12-18 months if no appeal is lodged against the decision of the Director, and it varies according to the particularity of each case, the accumulated volume of work and the available personnel.

2.6. VARIATION AND FIXING OF POSITION OF RIGHT OF WAY etc.

The Director of the Department of Lands & Surveys is vested with the power to determine or vary the position or the direction of any existing right-of-way, channel, watercourse, stream, aqueduct, pipe or any other similar right upon submission of an application by the owner of the servient or dominant tenement.

Procedure – Forms

The application is made on Form N.252A in as many copies as the number of owners/co-owners of the properties involved and is filed with any of the District Lands Offices. It must also be

accompanied by the certificate of registration of the applicant's property. The fees are payable upon filing of the application (**see ANNEX**).

After a local enquiry, the Director shall notify all interested persons at least thirty (30) days in advance of such fixing or variation which, nevertheless, must not affect any property more adversely than before.

The Director's decision shall be notified to all interested parties and any person disagreeing with such decision has the right to appeal to Court by filing a relevant application/appeal notifying the Director at the same time.

The time required for completion of the procedure is estimated to 12-18 months where no appeal is lodged against the Director's decision and it varies according to the particularity of each case, the accumulated volume of work and the available personnel..

2.7. JOINTLY-OWNED BUILDINGS

2.7.1. Registration of jointly-owned buildings

Where a building permit for a building was granted after 12.2.1993 and the building consists of at least five units, it is considered by law as "jointly owned" and shall be registered as such upon registration of the units. Nevertheless, where a building permit was granted before 12.2.1993, the building may be registered as jointly owned upon an application filed by any of the owners of the units or by the building's management committee. The application shall be made on the appropriate form. The applicant may also request the registration of the area of each of the units and of his share to the jointly-owned property on the same form.

2.7.2. Establishment of jointly-owned buildings.

Where a building permit for a building was granted after 12.2.1993 and the building consists of 2 to 4 units, it may be considered as "jointly owned" and be registered as such upon an application filed by the owners of at least 50% of the building or by the owners of two units. Such application must be approved by the Director of the Department of Lands & Surveys.

Note:

In both cases, whether for the registration of a building erected with a building permit granted before 12.2.1993 or for "jointly-owned" buildings consisting of 2 to 4 units, the names and the addresses of the owners of all other units comprised therein must be included in the applicant's form.



2.7.3. Division and registration of jointly-owned buildings with the Lands and Surveys Department

Procedure – Applications

The application of registration is filed on the appropriate form with any District Lands Office and accompanied by the documents listed below:

- building permit and division permit obtained from the appropriate authority,
- approved cadastral plan,
- approved architect's plans of the sectional view of the units and the general alignment of the buildings showing clearly the extent covered by each unit, the jointly-owned spaces or any limited jointly-owned property,
- certificate of approval for the building, and
- certificate of registration of the property.

All prescribed registration fees are paid upon filing of the application (**see ANNEX**).

After completion of the survey and drawing work and the calculation of the extent of each unit involved, the applicant is requested to submit a certificate of approval of the division.

The certificate of approval of the division is submitted together with a list containing the value of and the share held by each unit in the jointly-owned property. After a local enquiry, description, assessment and check of the lists submitted and after obtaining all necessary consents, the jointly-owned building and the units comprised therein are registered with the Department of Lands & Surveys.

The time of completion of the procedure is estimated to 12-18 months and it varies according to the particularity of each case, the accumulated volume of work and the available personnel.

2.8. MANAGEMENT OF JOINTLY- OWNED BUILDINGS

- **All jointly-owned buildings must have a management committee** which regulates and manages all relevant affairs.
- The owners of all units contained in the building shall participate in the expenses, which are necessary for the insurance, maintenance, repair, restoration and management of the jointly-owned property.
- The proportion of the share of each joint owner in the expenses is prescribed by the Regulations based on the area of each unit.
- The regulations are deposited at the Lands Office of the District, where the jointly-owned building is situated, and are registered by the Director with an entry made in the Land Register. These regulations regulate the relations among the owners of the units, determine

their rights and obligations and should also make provision for the control, operation, administration, management and enjoyment of the units and of the jointly-owned property. Where no Regulations have been prepared, the standard regulations shall apply which are available at the Department's webpage www.moi.gov.cy/dls.

- The Director of the Department of Lands & Surveys has the power and/or the obligation to intervene in matters concerning the management of any jointly-owned building only upon an application lodged with any District Lands Office and upon payment of the relevant fees by the applicant/owner of any unit.

In an effort to assist both the owners of the units and the management committee, the Department of Lands & Surveys has prepared application forms concerning any of the matters listed below. These forms are also referred to any other documents which must be attached to the relevant application:

- Appointment of Temporary Management Committee
- Appointment of Management Committee
- Registration of regulations
- Estimation of the area of the units
- Determination of the share allowed to each unit
- Convening a General Meeting of the owners of the units

2.9. DIVISION AND PARTITION OF AGRICULTURAL LAND

The division of agricultural land is possible, where each one of the new plots, proposed to be created, have (as the case may be) the extent given below.

- Not less than 1.338 square metres for plantations (i.e. land completely covered with trees planted in a standard alignment and in the crop bearing stage), vines, gardens (orchards), forests (e.g. pine forests), land irrigated by a perennial or seasonal source of water and land capable of being irrigated by a perennial source of water (irrigable land is an expanse of land connected to the public water works regardless of whether it receives or not irrigation).
- Not less than 2.676 square metres for land capable of being irrigated by a seasonal source of water.
- Not less than 6.689 square metres for dry land.
- The minimum extent for the new plots in areas where consolidation has been completed upon division of any land, is the double of the extent mentioned above. The Head of the Land Consolidation Department may determine with a notice published in the Official Gazette of the Republic that the minimum extents referred to in the abovementioned paragraphs shall apply also for specified consolidated areas.

In addition to the above requirements, every new plot should and may be properly and conveniently held and enjoyed as a separate and self-contained tenement.



Procedure – Forms

The owner of the land, whose division is requested, must file an application with any District Lands Office regardless of the District where the property is situated.

The application must include the name, address, and identity card number of the applicant and/or of any other person in whose name the property is to be registered and it must be accompanied by the following documents:

- Application in writing,
- Certificate of registration of the property,
- Certificate from the Community Council of the village or quarter within the boundary limits of which the property is situated mentioning whether the property is planted with trees, is irrigated or is capable of being irrigated. Where the property is supplied with irrigation by an Irrigation Division the applicant must attach the relevant certificate. Where such property is irrigated from a well or borehole, a permit to dig and draw water from the well or borehole must be attached to the application. A cadastral plan must accompany the permit, on which the position of the well or borehole is marked,
- Sketch or plan indicating the division (if any),
- Statement of distribution (if any), and
- Official cadastral plan.

The application is accepted upon payment of the prescribed fees at any District Lands Office (**see ANNEX**).

After a local enquiry carried out in the presence of the interested parties, notified in advance of such enquiry, the Director shall approve the division.

The file is then sent to the Surveying Branch for surveying and drawing. The positions of the land marks shall be pointed out by the Surveyor/Technical Engineer or Private Licensed Surveyor to the applicants, who have the obligation for marking, securing and protecting such demarcation points.

Upon the completion of the surveying and drawing work, the relevant file shall be forwarded for the registration and issue of new certificates of registration.

The time required for completion of the procedure is estimated to 12-18 months and it varies according to the particularity of each case, the volume of work and the available personnel.

2.10. DIVISION OF LAND INTO BUILDING SITES

The division of land into building sites presupposes the issue of a partition permit by the Town Planning Department and a division permit by the Competent Authority. When the permit is obtained and even before the commencement of the construction of the building sites, the divided land must be demarcated and staked out. Any landowner wishing to apply for a division of his land into building sites has two options. To either file the division permit together with the plans and the terms accompanying it to one of the District Lands Offices, regardless of the district in which the property to be divided is situated and to request to carry out such division work, or to delegate the whole work to a Private Licensed Surveyor. For the filing of the application a special form must be completed and the prescribed fees are paid to the Department of Land and Surveys (*see ANNEX*).

Note 1:

The Land Surveyor/Technician Engineer or the Private Licensed Surveyor indicates the position of the land marks whereas the owner is responsible for the construction and placement of the land marks at the positions indicated by the land Surveyor.

Note 2:

Where within the property under division there exist buildings, for which a certificate of approval has been issued, the building permits for these buildings must be attached together with the architect's plans and the cadastral plans to the application, along with the certificates of approval, so that the buildings may be surveyed and registered together with the building sites.

After the survey work has been completed and checked, the applicant shall be provided with the relevant certificate, which he will submit to the appropriate authority together with all other necessary particulars to obtain approval for commencement of the construction works. After the completion of the works, the appropriate authority or the supervising Licensed Surveyor will issue the relevant certificate of completion of the work. This certificate shall be deposited with the Department of Lands & Surveys, upon payment of all prescribed fees for the check of the survey work and the preparation of the cadastral plan on which the registration of the new building sites shall be based. The applicant shall thereafter be notified to submit the certificate of approval for the registration of the divided building sites and pay the relevant fees. A copy of the cadastral plan shall also be sent to the issuing authority of the division permit. After deposit of the certificate of approval, a local enquiry takes place for purposes of description and valuation of the new building sites. The registration is effected after all necessary consents for the building sites have been obtained and the new certificates of registration are issued.

Time of completion of procedure

The consideration of these matters requires a lot of time and it is almost impossible to specify the exact time required for completion of each procedure since this depends on the actions



taken by the appropriate authority, the Department of Lands & Surveys, the owner, the contractor in charge of the construction works and on other parameters.

2.11. READJUSTMENT OF BOUNDARIES OF TWO OR MORE PROPERTIES

The common boundary of two or more properties may be readjusted upon an agreement reached between the owners of the properties. The application must be signed by all the registered owners of the properties whose boundaries are subject to such readjustment. The application, which may be deposited at any District Lands Office, must be accompanied by the following documents:

- Certificates of registration of the properties,
- Cadastral plan on which the proposed readjustment of the boundaries is shown. The plan must be accompanied by the written consent of the registered owners of the properties in question.

Fees

All prescribed fees are to be paid upon filing of the application (**see ANNEX**).

Procedure

The survey work required for preparation of the plan on which the readjustment will be indicated is carried out in the presence of the applicants.

After the Director of the Department has given his approval to the readjustment and after production of all written consents required (e.g. by the mortgagees), the readjustment is registered and the new certificates of registration are issued.

Note:

Where the readjustment of boundaries in areas of development of villages or in residential areas is of considerable extent, the permit of the appropriate authority must be obtained before submitting an application for any such readjustment.

Time required for completion

The time required for completion of the procedure is estimated to 12-18 months and it varies according to the particularity of each case, the accumulated volume of work and the available personnel.

2.12. AMALGAMATION OF PROPERTIES INTO ONE CERTIFICATE

Amalgamation of properties is possible where the properties:

- are contiguous and no pathway, stream, channel or any other plot is inserted between them.
- are owned by the same person(s) having the same shares,

- are not encumbered with any charge. Where all properties are charged with the same mortgage or mortgages, their amalgamation is permitted provided that the mortgagee shall give his consent in writing.

Applications for amalgamation are filed with any District Lands Office, regardless of the district in which they are situated. The registered owner or his agent or attorney shall sign the application which must be accompanied by the following documents:

- certificates of registration of the properties,
- consents of the mortgagees (if necessary).

Applicants are advised to include a cadastral plan with their application showing the plots to be amalgamated.

Fees

All prescribed fees are paid upon filing of the application (**see ANNEX**).

Procedure

The application is referred for local enquiry and/or survey work and for preparation of the necessary plan. Thereafter, the new certificates of registration are issued.

Note:

Where the condition of the properties is certified by the President of the Community Council as being the same as that described in the certificates of registration and provided that the titles are based on the plan in use, the application may be processed without any local enquiry.

Time required for completion

The time required for the processing of the application depends on whether it is necessary to carry out a local enquiry or any survey work etc. Where no local enquiry is required the application may be processed within a very short period of time.

2.13. COMPULSORY PARTITION OF PROPERTIES HELD IN UNDIVIDED SHARES (Law Cap.224, Section 29)

Where one or more properties are held in undivided shares such properties may be compulsorily partitioned by the Director of the Department of Lands & Surveys upon an application filed by any of the co-owners.

The application is submitted on Form N.259A at any District Lands Office regardless of the district in which the property is situated. Application N.259A is to be completed in as many copies as the number of co-owners plus one extra copy.



Fees

All prescribed fees are paid upon filing of the application with the Department of Lands & Surveys (*see ANNEX*).

Procedure

No application shall be considered unless the Director gives 30 days previous notice of the filing of such application for partition to all interested parties. Interested parties are all the co-owners and also every person in whose favour a registered encumbrance on the properties exists.

A local enquiry is carried out in the presence of the interested parties whereas the absence of any interested person is not taken into consideration provided that he/she has been duly notified to attend the enquiry. After an assessment of the market value of each share held by each co-owner in all properties under partition, the Director shall proceed to the partition and give each owner a plot or plots or part of any plot which corresponds to the value of the share held by each owner. Where the share of a co-owner is so small that it is practically impossible to allot a separate plot to him, he shall be compensated in accordance with the value of his share. Such compensation is calculated by the Director and paid by the co-owners who are allotted a plot of land of a greater value than the one corresponding to their share. The Director shall apportion the plots, if possible, in accordance with the wishes of the co-owners. Where it is not possible to obtain the consent of all parties involved in the partition, the Director's decision shall be notified in writing to all interested parties who may accept his decision or choose to apply to the Court by filing an application/appeal while at the same time they must inform the Director of such an action.

Time of completion

The consideration of such matters is usually complex and time consuming. The period of processing of such applications depends on the number of co-owners, the number and extent of the properties included in the application as well as the presence and co-operation of all parties concerned. Estimation of the time of completion is almost impossible.

2.14. COMPULSORY PARTITION – VERTICAL DIVISION OF BUILDING SITES AND BUILDINGS (Law Cap.224, Section 29(8))

Any plot created upon division of land under the provisions of the Streets and Buildings Regulation Law and a building erected on such building site may be vertically divided and apportioned to the co-owners by the Director of the Department of Lands and Surveys after an application filed by any of them and provided that:

- each new parcel or unit resulting from such division may be held and enjoyed as a self-contained tenement,

- where a building has been erected on a plot, the co-owner (applicant) must first obtain a certificate of approval for that part of the building possessed by him, and
- none of the co-owners has previously been registered as owner of any other building site, which has been divided with the same procedure, unless he has acquired the ownership of the other building site upon inheritance or gift from a spouse or a relative within the third degree of kindred.

Forms – Fees – Procedure

The application is submitted on Form N.259A in as many copies as the number of co- owners, plus one extra copy, to any of the District Lands Office regardless of the District where the plot is situated. All prescribed fees are paid upon filing of the application (**see ANNEX**).

The application is considered after giving all parties concerned a notice of thirty (30) days in advance.

“Interested person” means the co-owners and every person in whose favour an encumbrance is registered on the immovable property.

The absence of any interested person does not suspend or cancel the processing of the case provided any such person has been duly notified.

Each co-owner must receive a parcel with a value which corresponds to his share. Where for any reason no such division is possible, the co-owner receiving a parcel of a greater value shall pay the respective compensation to the co-owner receiving a parcel of lower value.

An effort is underway to reach an agreement between all co-owners as to which part of the building site or building is to be allotted to each co-owner. Where no such agreement is reached the matter shall be decided by the Director and his decision shall be notified to all the parties concerned, who may accept his decision or lodge an application/appeal against it and inform the Director of such an action.

Applications of this kind are complex and time consuming and it is impossible to estimate the time of completion.

2.15. READJUSTMENT OF INTERESTS IN CASE OF DUAL OWNERSHIP

(Where land is owned by a person other than the owner of the buildings, trees etc standing thereon)

Any dual ownership may be overcome upon division of the land and of any building plots, trees etc situated thereon to allow for a readjustment of the interests of the various owners so that both the land and all trees or buildings etc on each plot resulting from the division are owned



by the same person, The land must be partitioned in smaller plots in such a way, which does not contravene the provisions of the Law relating to minimum extents (e.g. 1.338 square metres for plantations or irrigated land and 6.689 square metres for dry land).

The relevant application may be submitted by any such owner at any of the District Lands Office regardless of the district where the property is situated on Form N. 259A. It must be completed in three copies where the parties involved are two and in four copies where the parties are three and so forth, as the case may be, plus as many copies for all persons who have lodged encumbrances.

Fees

All prescribed fees are paid upon filing of the application (*see ANNEX*)

Procedure

The processing of the application is the same as that followed in cases of Compulsory Partition of Properties held in undivided shares (*see paragraph 2.13. above*).

2.16. COMPULSORY ACQUISITION OF PROPERTY OWNED BY ANOTHER PERSON (Law Cap.224, Sections 33 and 33A)

Where on any land there are trees, vines, buildings or other erections or structures belonging to a person other than the owner of the land, or if within the limits of any immovable property there is a well or a small plot of land on which there is a well, or any other small plot of land, including ditches or reservoirs for the transportation or storage of water belonging to a person other than the owner of the property (land) and it is found impossible by the Director to make a re-adjustment, the owner of such land may apply for the acquisition thereof.

Before submitting an application for compulsory acquisition to any of the District Lands Office the landowner (acquiring party) **must:**

- **serve** a notice in writing on the owner(s) of the such trees and buildings etc, notifying him/them of his intention to file an application for compulsory acquisition. The notice shall be given in person in the presence of witnesses or by means a double registered letter served through the post,
- **file an application** within sixty (60) days after service of the notice on Form N.262A properly signed in at least five copies accompanied by proof of service of such notice (an affidavit referring to the manner, time and to the person on whom such notice was served may be accepted as proof of such service). Where the service was made by double registered post, any advice of receipt shall be attached to the affidavit, and
- **pay** the respective fees to the Department of Lands & Surveys (*see ANNEX*).

Procedure

Upon filing of the application, Form N.262A all interested persons shall be furnished with the same and be informed on the exact date and time of the local enquiry. The local enquiry is carried out to estimate, as the case may be, the value of trees, buildings, small plots of land etc, whose compulsory acquisition is requested.

During the local enquiry an effort shall be made by all parties involved to reach an agreement on the acquisition of such trees, buildings, small plots of land etc. Where no such agreement is reached, the trees and buildings etc are valued by the Director whose decision shall be notified to all interested parties, who may accept his decision or file an appeal against it before the Court, while at the same time they shall inform the Director of such action. The acquiring party must pay the amount, which corresponds to the value of the trees, buildings, small plots of land etc., as referred to in the Director's decision. The payment must be made within thirty (30) and not later than sixty(60) days from the date of dispatch of the Director's decision. Where the Director's decision is appealed, the payment of the amount of the value of the trees, buildings, small plots of land etc., as determined by the Director is made within sixty (60) days following the Court's judgment. The acquiring party must pay the relevant registration fees, which are estimated on the value of the trees, buildings, small plots of land etc so acquired.

The lodging of the application with the Department of Lands and Surveys constitutes an encumbrance against the property whose acquisition is requested and any alienation thereof or voluntary encumbrance is prohibited.

Note:

(Not applicable in the case of a small surrounded plot of land)

The owner of the trees, buildings, small plot of land etc, whose acquisition is requested, is entitled to apply for an assessment of the value of the acquiring party's interest upon an application filed with the Director within sixty (60) days of the notice served on him by the acquiring party. If he does not request such assessment, then it shall be deemed that he accepts that the ownership of the acquiring party is greater than the value of his interest.

2.17. COMPULSORY ACQUISITION OF LAND BY OWNERS OF TREES, BUILDINGS etc.

The requirements, fees and the procedure to be followed is the same, mutatis mutandis, as described above in the case of acquisition by the landowner of trees, buildings, etc., provided that the acquiring party is the registered owner of the trees, buildings etc and the property, whose compulsory acquisition is requested, is the land on which such trees, buildings etc stand.

Applications of this kind are complex and time consuming and it is impossible to estimate the **time of completion.**



2.18. REGISTRATION UPON PARTITION OF PROPERTIES HELD IN UNDIVIDED SHARES

Any immovable property consisting of one or more plots and held by two or more persons in undivided shares may be partitioned upon agreement reached between all co-owners.

The partition, either by division of the plots in smaller parts, without a breach of the provisions for minimum extends provided by the Law, or by partition of the whole plot, may be registered in their names with the Department of Lands & Surveys which shall issue a separate title to each co-owner for the property or part of the property allocated to him/her.

For registration purposes an agreement in writing shall be required, which may be lodged with the Lands Office of the District where the properties are situated or any other District Lands Office. Such application must be signed by all co-owners or their agents requesting the registration of the properties as per the agreement reached between the parties. The application must be accompanied by the following documents:

- Certificates of registration (titles) of the properties,
- Agreement of partition made in writing and signed by all the registered co- owners whose signatures must be certified,
- Written consents obtained from any mortgagee or other creditors in whose favour an encumbrance operates, and
- Cadastral plan indicating the division of any parcel under partition signed by all co- owners.

All prescribed fees are paid upon filing of the application with the Department of Lands & Surveys (**see ANNEX**).

Time required for completion of the procedure

Where the agreement does not provide for the division of any plot and the titles are based on any plans in use, the application shall be processed without any local enquiry within a short period (six months). Where the agreement provides for a subdivision of one or more immovable properties and a local enquiry is required, the processing of the application takes more time as other factors need to be taken into account. In both cases as aforesaid the time of completion varies according to the particularity of each case, the accumulated volume of work and the available personnel..

2.19. LOCAL ENQUIRY BY ORDER OF COURT

Where an action or any other judicial proceedings affecting any immovable property is brought before the Court, the Court may order a local enquiry. The plaintiff's or the defendant's attorney shall file an application with the Lands Office of the District where the property is situated and

upon payment of the appropriate fees (**see ANNEX**) for its consideration. Such application must be accompanied by:

- the Court order,
- the statement of claim, and
- the statement of defence.

The local enquiry shall be carried out in the presence of both parties in the action notified through their attorneys. The findings are included in the Lands Officer's report forwarded to the Court Registrar in as many copies as the number of the parties in the action plus one extra copy for the Court's record.

The Lands Officer shall thereafter be summoned to give evidence before Court and to pay the prescribed fees.

The Department of Lands & Surveys gives priority to any such Court cases.

2.20. REGISTRATION, CANCELLATION & ALTERATION OF REGISTRATION BY ORDER OF COURT

A certified copy of a judgment or order of the Court shall be sufficient authority to the Director to make the registrations or alterations required by the judgment or order upon payment of the appropriate fees.

Procedure

The attorney of the party, in whose favour the judgment or order of the Court has been issued or the party himself/herself may file an application with the Lands Office of the District, where the property is situated attaching a certified copy of the decision or court order upon payment of the respective fees (**see ANNEX**).

Such registration, alteration or cancellation of registration often requires a local enquiry and/or the production of any other evidence or consents. It is the responsibility of the applicant/party in the action to take all necessary steps for implementation of the judgment or order of the Court.

2.21. DEMARCATION OF PROPERTY

The most important information that the owner of the property is interested to know concerns the boundaries of his/her property. The owners of property who are registered (they have a title for their property) and whose titles are based on a plan prepared by the Department of Lands and Surveys on a scale, are given the opportunity to determine the boundaries of their property, through the demarcation of the whole of, or part of their perimeter line.



A special form/application is available at all Land Offices for its completion and submission or it may be downloaded from the Department's webpage at www.moi.gov.cy/dls. The title of the property or a photocopy thereof as well as the cadastral plan on which the position of the land marks is indicated and whose determination on the ground is requested are to be attached to the application.

The application may be lodged at any District Lands Office. The respective fees are paid upon filing of the application with the Department of Lands and Surveys, depending on the number of land marks to be placed (*see ANNEX*).

The fixing of the land marks' position is carried out by the employees of the Department of Lands and Surveys in the applicants' presence. The owners may also similarly to other cases, delegate the necessary surveying work to private licensed Surveyors. Applicants are encouraged to have land marks constructed on the positions indicated by the land Surveyor.

The public is requested to take all necessary measures to protect and secure both the artificial and the natural boundaries of the properties (e.g. banks, dry stone walls etc.) which determine the boundaries of their property.

The time required for completion of this kind of cases, cannot be estimated due to volume of work accumulated as a result of cases that have been delayed.

2.22. SETTLEMENT OF BOUNDARY DISPUTES

(Law Cap.224, Section 58)

Where any dispute arises as to the common boundary of two properties, any of the owners may request the Director of the Department of Lands & Survey to settle such dispute. No Court shall entertain any action or any other proceedings related to such dispute unless it has been settled by the Director of the Department of Lands and Surveys in the first instance.

Requirements for the settlement of boundary disputes

- At least one of the two adjoining properties must be registered (i.e. have a title). Such registration must be based on a plan prepared by the Director of the Department of Land and Surveys.
- The dispute must not have previously been settled by the Director.

Filing the Application

The application for the settlement of a boundary dispute must be filed on Form N.268 obtained from any District Lands Office or downloaded from the Department's webpage www.moi.gov.cy/dls. The application form is to be completed, signed and filed with any District Lands Office and shall be accompanied by the certificate of registration of the property or a photocopy thereof.

It is the applicant's responsibility to ascertain and mention in the application the name and the exact address of the owner of the adjoining property. For purposes of convenience of the public, the Director of the Department of Lands and Surveys may issue a search certificate upon an application made by any owner. The search certificate shall indicate the person(s) in whose name the properties adjacent to the applicant's property are registered or recorded in the books of the Department. The applicant must also ascertain the true owner/party in such dispute.

Fees

All prescribed fees are payable upon filing of the application (**see ANNEX**)

Local enquiry

The local enquiry is carried out after all interested parties have been notified of the exact date and hour of the enquiry at least 14 days in advance by means of registered post. The application will be processed only after ascertaining that:

- the names of the persons mentioned in the application are the registered owners of the adjoining plots,
- the notices have been sent to the correct addresses,
- the aforementioned requirements are met, and
- at least one of the parties concerned has indicated locally the disputed portion of land.

If all above requirements are met, the Land Officer in cooperation with the Land Surveyor/ Technician Engineer of the Department shall, after completion of the surveying work, indicate the position of the common registered boundary of the properties.

After the boundary has been indicated and determined, the parties concerned are entitled to either accept this common boundary as indicated by signing a statement, or they may not accept the boundary as indicated. In both instances, the dispute shall be resolved by a decision of the Director of the Department of Lands and Surveys, notified to the interested parties. Any of the interested parties who does not accept the Director's decision, may lodge an appeal before the Court of the District where the property is situated.

The period, within which an appeal may be filed, is thirty (30) days from the date of posting of the relevant notice of such decision.

The time required for completion of the procedure is estimated to 12-18 months provided that no appeal against the Director's decision is lodged and varies according to the particularity of each case, the accumulated volume of work and the available personnel.

Note:

Settlement of a boundary dispute is the only surveying work that cannot be delegated to a Private Licensed Surveyor.



2.23. RESTRICTIVE COVENANTS

A restrictive covenant restricts the use or development of any property in favour of another property and may be registered with the Department of Lands & Surveys.

The application for registration is filed with the Lands Office of the District where the properties are situated. The covenant is registered with an entry made in the Land Register in respect of the registrations of the properties concerned and on the certificates of registration.

No restrictive covenant may be registered unless:

- it determines all properties involved with a reference made to their registration number, plot number, sheet/plan etc.,
- it is signed by the owners of the properties concerned and their signature is duly certified,
- the property, whose use or development is under restriction, is registered (has a title). Where such property is subject to any encumbrance, the applicant must present the written consent of the person in whose favour the encumbrance exists.

The application may be filed by any of the interested parties at any District Lands Office and attached thereto must be:

- the original of the covenant duly stamped,
- the certificates of registration of the properties.

All prescribed fees are payable upon filing of the application (**see ANNEX**).

Restrictive covenants may be cancelled or amended by order of Court.

The time required for completion of the procedure is estimated to 2-3 months and varies according to the particularity of each case, the accumulated volume of work and available personnel.

2.24. LISTED BUILDINGS (Law 240(I)/2002)

2.24.1. Registration of transfer of plot development ratio (development rights)

As an incentive, any owner of a listed building is entitled to transfer the development rights attached to a listed building (building donor) to another building (**building receiver**) provided that the requirements of the Law are met.

The application must be filed with any District Lands Offices and the following documents must be attached thereto:

- permit of transfer of the plot development ratio obtained from the Town Planning & Housing Department,
- certificates of registration of the properties concerned,
- Statement referring to the manner in which the plot development ratio is to be transferred and in the case of sale, the consideration for such sale,
- certificate from the Town Planning and Housing Department on the payment of an amount equivalent to 10% of the value of the transferred/additional plot development ratio determined by the Department of Lands and Surveys, and
- where the property, whereon the listed building (building donor) stands, is encumbered (e.g. by a mortgage) the written consent of the person, in whose favour the encumbrance operates, must be produced.

Upon payment of the prescribed fees at the Department of Lands & Surveys (**see ANNEX**) the transfer of the plot development ratio is registered by an entry made in the Land Register and in the certificates of registration of the buildings concerned.

2.24.2. Return of transfer fees

Another incentive given to the owners of listed buildings is the refund of the registration fees paid upon the transfer of a listed building.

The transferee of the listed building so transferred must file an application with the Director of the Department accompanied by a certificate granted by the Minister of the Interior stating that the applicant has completed within six (6) years at the latest from the date of the transfer the necessary conservation works in the listed building or that the building does not need conservation and request the refund of the transfer fees so paid.

The application is to be filed with any District Lands Office and the fees are refunded by the General Accounts Department of the Government.

The time required for completion of the procedure is estimated to 2-3 months and varies depending on the particularity of the case, the accumulated volume of work and the available personnel.

2.25. REGISTRATION OF TRUSTS

A trust is effective if created by a trust deed signed by the settlor or by will. The trust is recorded:

- upon a relevant entry made in the Land Register without transferring the title, or
- by transfer of title.



In the first instance, it is necessary to file an application accompanied by the trust deed. **Stamp duties to the value of €17,09 must be affixed to the trust deed.** The application is to be filed by the Trustee with any District Lands Office upon payment of the respective fees. In the second instance, the trust deed is attached to the declaration of transfer and the properties are registered in the name of the trustee(s) upon payment of the appropriate fees. In both cases the properties concerned must be free from any encumbrance and their owner must not be under any prohibition.

Fees

In both cases, all payable fees are calculated and vary depending on the degree of kindred between the settlor and the beneficiary as in the instance of transfer of immovable property upon gift (*see ANNEX*).

Time of Completion

- The time for registration of the trust is estimated to 2-3 months and varies according to the particularity of each case, the accumulated volume of work and available personnel.
- The transfer of the tile may be done on the same day or the day following the transfer.

2.26. COPIES OF CERTIFICATES OF REGISTRATION **(Law Cap. 224, Section 59 and Law 9/65, Section 48)**

Any registered owner of the immovable property, who has lost his/her certificate of registration, may request and obtain a copy thereof from any District Lands Office

Furthermore, any registered owner of an immovable property, whose plot is mortgaged, may request and obtain a copy of his/her certificate of registration for purposes of constitution of any subsequent mortgages on his/her property.

Application Forms

The relevant application forms for copies of the certificates of registration are available at all District Land Offices as well as on the webpage of the Department at www.moi.gov.cy/dls. The application may have the same or similar content depending on each case.

Applicants

All applicants must be the registered owners of the properties or attorneys thereof and must appear in person at the Acceptance Branch of any District Lands Office.

Where the applicants cannot be there in person, they must have their signature duly certified either by a Certifying Officer or the President of the Community Council. Certification by an Officer or employee of any Lands Office will be also acceptable.

Applications filed by attorneys

Applications may also be submitted by any attorney upon instruction of his/her clients who are registered owners of properties.

Properties held in undivided shares

All registered owners may request and obtain a copy of the certificate on which the names of all registered co-owners are shown.

Requirements

The application must contain the correct particulars of both the property and the applicant/owner as shown on the certificate together with any variations thereof and as indicated on the identity card.

Fees

All prescribed fees are payable at the Department and are paid upon filing of the application with the Department of Lands and Surveys (**see ANNEX**).

Time required for completion of the procedure

Copies are normally issued on the same day or on the day following the filing of the application.

Note:

Where the applicant has no proof of his/her registered properties, he/she must first apply for a search certificate and file an application for a copy of the certificate of registration for any property, to be issued in his/her name.

2.27. COPIES OF CERTIFICATES OF MORTGAGE OR CHARGE

Where the mortgagee or the mortgagor of an existing mortgage has lost the certificate of registration of the mortgage, he/she may request to be issued a copy thereof. He/she may file an application at any District Lands Office.

Fees

Upon filing the application, the relevant fees are paid to the Department of Lands and Surveys (See ANNEX)

Certificates of encumbrances (e.g. MEMO) are issued in the same manner as in the case of replacement of a lost original of a certificate.

Time required for completion of procedure

Copies are normally issued on the same day or on the day following the filing of the application, provided that the application has been filed with the District Lands Office of the District in which the property is situated.



2.28. CERTIFIED COPIES OF VARIOUS OTHER DOCUMENTS

Any person may lodge an application requesting to be provided with certified copies of various other documents of his immediate concern which are kept with the District Lands Offices in various records of the Department (e.g. powers of attorney, contracts of sale, drawings, plans or sketches with respect to rights-of-way etc).

The application, is filed with any District Lands Office. The application may be submitted by any person having a direct lawful interest or by his attorney or agent.

Fees

Copies are prepared and certified by the Department upon payment of the prescribed fees (**see ANNEX**). In addition, a stamp of a value of €1,71 must be provided by the applicant at the time of filing of the application.

Time required for the issue of copies

Copies are normally issued on the same day upon filing of the application or within a few days provided that the application is lodged with the District Lands Office of the district where the property is situated.

2.29. COPIES OF CADASTRAL PLANS

Any person may ask upon filing an application to be furnished with copies of cadastral plans.

It is necessary to complete application Form N.295 on which the particulars of the property as written on the certificate of registration are noted, such as sheet/plan or number of cadastral scale, plot number, block (if any) and the name of the municipality/village/quarter.

Upon filing of the application, which may be done at any of the District Land Offices as referred to in Notes below, the prescribed fees must be paid to the Department of Lands and Surveys (**see ANNEX**)

Notes

- For cadastral plans the applicants may apply to the Central Survey Office in Nicosia (Corner of Alasia and Z.Sozou Streets) or to the nearest District Lands Office. Citizens may also apply for copies of cadastral plans at the Citizens Service Offices, in the districts of Larnaka, Limassol and Paphos.
- Applicants need not be the registered owners of the property for which the Cadastral plan is requested.

2.30. AVAILABILITY OF MAPS AND GEOGRAPHICAL DATA

The Cartography Branch has maps, land and geographical data, available both in analogue as well as in digital form, which may be provided to the public upon the payment of the prescribed fees. Analytical data regarding fees may be found on the webpage of the Department at: http://www.moi.gov.cy/moi/dls/dls.nsf/dmlcartography_gr/dmlcartography_gr.

2.30.1. Maps

All available maps prepared by the Cartography Branch may be given, both in an analogue as well as in a digital image form (raster). In the case of maps in an analogue form, there is a relevant index of maps, indicating the respective fees levied, on the webpage of the Department at: http://www.moi.gov.cy/moi/dls/dls.nsf/dmlproductscharges_gr/dmlproductscharges_gr

Many of the maps may also be provided in a vector form.

For maps in a digital form, due to the large number of choices in the data provided, the applicant must state, among other information, the maps he/she requests, the form and the software he/she will be using and the coordinates required.

2.30.2. Cadastral plans (in a digital form)

Cadastral plans may be obtained in either analogue or digital form. The analogue form is already mentioned in paragraph 2.29. With respect to the digital plans in vector form, the charge shall be per plan, depending on the scale of each plan. Cadastral plans are also available in a raster form. In this case the charges will be per plan, regardless of the scale.

The letter must expressly refer to the sheets/plans requested or the area concerned marked on the map.

2.30.3. Other data and maps

Apart from the maps and cadastral plans referred to above, aerial photos are also available in digital format (vector), digital aerial photos (raster) and town planning zones (raster and vector). Other data include special protection zones, index of cadastral plans (cadastral plan grid) etc., which are available in vector format.

In special cases, it is possible to obtain other maps not referred to above in a digital format, which are included in the list of maps of the Department, following special arrangements.



Notes:

- *All interested persons must apply in writing to the Director of the Department of Lands and Surveys. This letter must include full details (name of company or name and surname of applicant, postal address, telephone, fax and email). It is also necessary to state the purpose for which the data is requested.*
- *The letter may be sent either by post (29 Michalakopoulou Street, 1455 Nicosia) or by facsimile (Fax No.: 22804881) to the Director.*
- *The letter shall be then forwarded to the Cartography Branch for the preparation of the data, and persons concerned shall collect them, upon payment of the prescribed fees, which will be specified in the answering letter.*
- *Where the applicants do not live in Nicosia, they may arrange for the payment of the fees and dispatch of the data to the local District Lands Offices.*
- *Where the maps or data requested are to be posted on the internet, or are to be included in a publication, this must be specified and an accurate reference to the number of copies reproduced. In case they are to be published, in addition to the purchase fees, the rights of use are calculated as well, depending on the number of copies printed.*

2.31. PROVISION OF INFORMATION REGARDING VALUATION TO PRIVATE VALUERS

The Valuation Branch provides information to professional Valuers, members of the Cyprus Scientific and Technical Chamber, for evaluation processing purposes. The basic information which a private Valuer may obtain, are the comparative sales, which are supplied in an electronic or printed form, upon payment to the Department of Lands and Surveys of the appropriate fees. A provision has also been made for the Valuer to subscribe as a contributor to the Department and upon paying his/her annual subscription, he/she may obtain such information on a quarterly basis or annually. Such information is provided per District, depending on the requirements or the geographical area where the Valuer is active. Also, important information for the private Valuer is the supply, in digital form (raster and vector), of planning zones as they are referred to in the previous paragraph 2.30.3.

Analytical information regarding the fees for information on evaluation in electronic or analogue form as well as the amount of the abovementioned subscription, are included in the Department's webpage, www.moi.gov.cy/dls (see **"Products Charges" at the bottom part of the first page**).

2.32. SEARCH CERTIFICATES

(Law Cap.224, Section 51A)

Under section 51A of the Law Cap.224, the Director of the Department of Lands & Surveys may provide any interested person with any information recorded in the Land Register or in any other file or book kept with any District Lands Office, current or previous, including, among others, the history of each property or all immovable properties of each owner and a very wide range of information for each property and every transaction affecting thereof. It also allows the inspection of files or other documents by “interested persons” in the presence of an officer of the Department.

Applications

A search certificate is issued only after the respective application has been filed and the prescribed fees have been paid to the Department of Lands and Surveys. The application is filed on Form N.50 with any District Lands Office.

Persons qualified to file an application

Only an **“interested person” or his/her agent or attorney** may file an application to be issued a **“search certificate”**

“Interested persons” means the owner of the property, his heirs, devisees and legatees, the owner of any trees, buildings or other objects on the land which belongs to another and vice versa, the person entitled to any right or interest in the immovable property, who satisfies the Director that he is a prospective purchaser or mortgagor, the plaintiff in any action against the owner of such property, the professional valuer who may require certain information for purposes of evaluating certain immovable property in a case relating to compulsory acquisition and includes any person not thus specified to whom the Director may specifically order that any information be furnished”.

The following persons are to this day specified as “interested persons”: Land Surveyors, members of the Cyprus Scientific and Technical Chamber, Estate Agents, the Director of the Council for Registration and Control of Building and Civil Engineering Contractors, spouses or former spouses, banking institutions, owners of adjacent properties, accountants or auditors and persons that have in their favour a decision/order of the Court regarding the property of the defendant.

Fees

The fees payable to the Department of Lands & Surveys vary and depend on the information requested by each applicant (**see ANNEX**).



Issue of Search Certificate

Search certificates are issued on Form N.51 by the Lands Office of the District where the record or the book containing the information is kept. They are signed and stamped with the seal of the Department and delivered or posted to the applicant.

The time required for the processing of the application: 1-30 days depending on the type of information requested.

Note:

At the time of filing of any application for the issue of a search certificate, all applicants are advised to produce their identity card and give the particulars of the property for which the information is requested as well as provide any documents proving that they are "interested persons" (e.g. certificate of registration, certificate of death and heirs etc). Where the information requested concerns the properties of a specific person, full particulars of his name, place of origin, full address and whenever possible, his identity number should be given.

3. TRANSFERS/MORTGAGES

3.1. AGENCY

General Information

Certain persons, whether individuals or corporate bodies are disqualified by the Law or are prohibited from entering into any contracts. In cases of transfer where the title of immovable property passes from one person to another lawful acts may be performed in the name and on behalf of such persons through other persons (agents) who may be appointed by any person competent to contract (Contractual Agency) or determined by the Law or appointed by the Court or other authority (Lawful Agency).

3.1.1. Contractual Agency

Any person competent to contract may appoint an agent in his/her dealings with third persons or to perform acts on his/her behalf.

The authority of an agent may be conferred verbally, in writing or may be express or implied and the agent appointed must be competent to contract.

For lawful acts relating to immovable property, it is necessary to present an express and written instrument conferring such authority (power of attorney). Such instrument must be duly stamped.

The stamp duties payable are:

- For a Special Power of Attorney €1,71
- For a General Power of Attorney €5,13.

Additionally, the signature of person granting the power of attorney must be duly certified.

In Cyprus signatures are certified by:

- Any Certifying Officer
- The President of the Community Council or the Mukhtar.

In any other country signatures are certified by:

- Any Consular Officer of the Republic of Cyprus, or
- By the authorities of other states which, under international treaties and conventions to which Cyprus is a signatory, are competent in such matters.

Such Treaties are:

- The Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents of 5th October 1961 (**Laws 50/72 and 91/72**).



In Cyprus the competent authority in matters relating to this Convention is the Ministry of Justice. This legalisation is performed in the legally prescribed manner.

- Treaty on Legal Co-operation between the Cyprus Republic and the Hellenic Republic on matters of civil, family, commercial and criminal law. **Law 55/84.**

Under this Treaty, the Republic of Cyprus accepts all signatures certified by any notary public or officer of any police department in Greece.

- European Convention Abolishing the Legalisation of Documents issued by Diplomatic Representatives or Consular Officers. **Law 6/69.**

Under this Convention the Republic of Cyprus accepts all signatures certified in any country by consular officers of any state, member of the European Union.

3.1.2. Lawful agency

Persons under disability are under lawful agency. Disabled persons are mental patients, and all other persons, who by Law have been deprived of the right to execute legal acts e.g. minors, bankrupts, prodigals, companies under liquidation etc.

Lawful agents are either determined by Law e.g. parents of the minor, or appointed by the competent Court e.g. receivers in bankruptcy or by another instrument, e.g. the administrator of a missing person from the Turkish invasion etc.

Any person appearing at any District Lands Office to perform a lawful act in his/her capacity as lawful agent of another person must furnish, in addition to a document proving his/her identity, any other document proving his qualification as lawful agent, e.g. Court Order for the appointment of a receiver, or guardian of a minor, or administrator of a convict or administrator of a disabled person. In addition, any such person must present a permission issued by the competent authority or the Court authorising such person to act as a lawful agent, where the production of such permission is imposed by the Law.

The parents of the minors are not required to furnish the Department with any additional documents. It will be sufficient to sign a written statement declaring that they have not been disqualified to administer the property of their minor children. They must also furnish a permission by the Court for any transfer or mortgaging or any other alienation (transfer) of immovable property of their minor children.

3.2. TRANSFER OF IMMOVABLE PROPERTY

(The Immovable Property (Transfer and Mortgage) Law 9/65)

Transfer of immovable property means the passing of the title of immovable property from one person (the transferor) to another (the transferee) by the voluntary act of such persons.

Transfer Requirements

Completion of Form N.270 (Declaration of Transfer of Immovable Property). The certificate of registration (title) of the immovable property, which is to be transferred, must be attached thereto. Where the transfer of the property takes place at a Lands Office other than the Lands Office of the District where the property is situated Form N.270 must be completed in duplicate.

Completion of Form N.313.

Production of the receipts of payment of all fees, charges and taxes payable for the property under transfer. Such fees, charges and taxes may be one or more than the following:

- Immovable Property Tax.
- Capital gains tax.
(Receipts of payment for all the above taxes and duties may be obtained from the Internal Revenue Department).
- Sewerage Board Tax.
(Receipt obtained from the Sewerage Board).
- Town rate.
(Receipt obtained from the municipality in whose boundaries the property is situated)
- Communal rate.
(Receipt obtained from the community in whose boundaries the property is situated)

Transfer

All documents mentioned above must be completed and signed by the interested persons and deposited with the Lands Office accepting the transfer.

All District Lands Offices are open to the public on **all working days (Monday - Friday, 8:00 a.m. - 12:30 p.m.)**.

Acceptance of Transfer

The acceptance of the transfer is effected by order of priority. Both parties must appear either in person or by agent and produce their identity card or other documents proving the same before the Lands Officer accepting the transfer.

- Disabled persons must be represented by their lawful agent or any agent appointed by the Court or any other person.
- Corporate bodies are represented by those persons who manage their affairs in accordance with the statutes, the law or any regulation.



Transfer Fees

The procedure for acceptance is completed upon the calculation and the payment of the fees by the transferor to the Lands and Surveys Department.

The fees payable vary depending on the kind of transfer and are determined based on the assessed value, or on the market value of the property under transfer (**see ANNEX**).

Assessed value means the value of the property recorded in the Land Register.

Time required for completion of the procedure

Transfers without particular problems may be completed within one hour. In this case the registration of the immovable property and the delivery of the titles to the parties may be made on the same day, provided all interested parties appear at the Office on time. If not, the title is issued on the next following days depending on the accumulated work volume and the available personnel.

Other information

For complex cases the public is advised to apply to the Competent Land Officer in charge of the Declarations Branch of the appropriate District Lands Office.

3.3. MORTGAGE ON PROPERTY (Law 9/65)

A mortgage means a voluntary encumbrance of a property to secure payment of an existing, future or contingent liability. The “mortgagor or mortgage debtor” is an owner of immovable property who creates a mortgage thereon whereas the person in whose favour the mortgage is created is called “mortgagee or mortgage creditor”.

Requirements for declaration of mortgage

- Form N.271 (Contract and Declaration of Mortgage) is to be completed in three copies. Where the mortgage is to be declared at a Lands Office other than the Office of the District where the property is situated one extra copy of the form needs to be completed. All copies must be typed and signed by the mortgagor, the mortgagee and any guarantors. More than one property, which belongs to one or more persons, or more properties either belonging to the same and/or different persons may be included in the contract and declaration of mortgage.
- Form N.312 (one copy of this form needs to be completed).

Any additional documents in the same number as the copies of Form N.271.

Both Form N.271 and any additional documents are subject to a stamp duty. One form/ document shall be stamped as the original and all the others as copies.

Certificates of registration (titles) of the properties under mortgage are also attached thereon.

Acceptance and registration of mortgage

All documents are to be deposited at any District Lands Office, accepting the mortgage. Both the mortgagee and the mortgagor must appear in person or by agent before the Lands Officer accepting the mortgage and produce their personal identity card. Where agents act on behalf of the parties, an instrument of agency must be produced.

Mortgages are accepted only if the properties to be mortgaged are free from encumbrances and if the mortgagor is not under any prohibition with respect to the mortgaging property included in the mortgage, unless this is expressly provided by the Law (see provision in paragraph below).

It is possible to constitute an unlimited number of subsequent mortgages provided that each subsequent mortgage shall include all properties included in the immediately previous mortgage and no other property.

In the absence of any impediment, and after the parties certify their signatures in all documents, the competent Lands Officer shall confirm the identity of the persons appearing before him/her and read the declaration, whereas the mortgagor is required to pay the relevant fees. The competent Lands Officer shall thereafter sign the documents, affix the Office's stamp thereon and return them to the interested parties. The original of the document is to be delivered to the mortgagee whereas the mortgagor shall be given a copy thereof. A third copy remains with the Department of Lands & Surveys.

The fees payable to the Department are calculated on the amount of the mortgage debt (**see Annex**) and are paid **on the same day** in cash or with a bank cheque "good for payment", or a credit card.

3.4. RELEASE OF IMMOVABLE PROPERTY FROM MORTGAGE

Any share smaller than the mortgagor's share in a mortgaged property or any property included in a mortgage in which other properties of the same or other mortgagor are also contained, may be released from the mortgage against partial payment of the mortgage debt or for any other reason.

Procedure followed for the release of a property from a mortgage

- Both the mortgagee and the mortgagor must appear before any District Office during working hours, between 8:00 a.m. and 12:30 p.m.
- The mortgagor and mortgagee must complete and sign Form N.273.



- Where there are any guarantors and their consent is necessary it may be obtained on the same form (N.273) at the same time as the mortgagee and the mortgagor or on a separate document. In the last case the signature of the guarantors must be certified.

Where the property is charged by more than one mortgage, it must be released from all such mortgages.

The form is to be completed in two copies where the application for release from a mortgage is filed with a Lands Office other than the Lands Office of the District where the property is situated.

The whole procedure at the District Lands Office does not take more than thirty (30) minutes.

Other documents attached to Form N.273

- Certificate of registration of the property to be released, and
- Original of Form N.271 (contract and declaration of mortgage) with all documents attached thereto.

Acceptance of the release of mortgage is acknowledged by certifying the signatures of the parties on Form N.273. Upon such acceptance the Department of Lands & Surveys shall update its records and the original of the contract and declaration of mortgage (Form N.271) and return the documents to the parties and the certificate of registration to the mortgagor.

3.5. TRANSFER OF MORTGAGE **(Law 9/65, Section 32)**

Conditions for transfer

Unless the contrary is expressly provided in the contract of mortgage, the mortgagee of any immovable property may transfer the mortgage subsisting in his favour to another person.

Where the mortgage under transfer was created before 1.1.1967 (upon entry into effect of Law 9/65) the transfer cannot be accepted without the consent in writing of the mortgagor and any guarantor thereof.

Forms

Form N.272 (Declaration of Transfer of Mortgage) is to be completed and signed by the parties and attached thereto shall be:

- the original of Form N.271 (Contract and Declaration of Mortgage) accompanied by all other documents.
- the certificate of registration of the mortgaged property.

Form N.272 is to be completed in one copy only. Where the proposed transfer takes place at a Lands Office other than the Lands Office of the District where the property is situated one extra copy must be completed.

Formalities – Acceptance

The mortgagee transferring the mortgage and the person to whom the mortgage is to be transferred shall appear in person or by their agents at any District Lands Office during all public hours from 8:00 a.m. to 12:30 p.m. and deposit the documents relating to the intended transfer. The competent Lands Officer will carry out a search for impediments, check the documents presented and the identity of the persons appearing and read the declaration.

The parties shall confirm the particulars contained in the declaration and the Lands Officer shall, thereafter, accept the transfer of the mortgage.

Fees

The fees payable to the Department of Lands & Surveys are determined by the Director and are paid by the transferee (person entitled to the transfer) **on the same day**. Where the fees are not paid on the same day, the declaration of transfer is deemed to be null and void. The fees are calculated on the mortgage debt, which remains unpaid on the day of the transfer. Where the mortgage was made to secure a future or contingent liability including a liability in respect of a sum of money to be advanced by instalments after the date of transfer of the mortgage or the balance due on a current account, the fees are calculated on the maximum amount of such mortgage (excluding any accrued or unaccrued interest) as specified in the mortgage (**see ANNEX**).

Registration of transfer

The transfer of the mortgage is to be registered with an entry made in the original contract and declaration of mortgage (Form N.271) and in the copy kept with the Department of Lands and Surveys. At the same time both the mortgagor and the mortgagees of any subsequent mortgage are notified in writing and the original of the declaration of mortgage with the certificate of registration of the property is delivered to the transferee.

Time required for completion of the procedure

The acceptance and registration of a transfer of mortgage, which does not present any problems, does not take more than 30 minutes.



4. ENCUMBRANCES AND PROHIBITIONS

4.1. ENCUMBRANCES IN GENERAL

The general term “**encumbrances**” means all impediments which render impossible the transfer or the mortgage of property. Every encumbrance constituting a **direct claim**, or liability attached to an immovable property under the provisions of any law in force for the time being is called “encumbrance”; while any forbidding, prevention or interdiction of any natural or legal person from transferring or mortgaging all or any of his immovable property under the provisions of any law in force for the time being is called “**prohibition**”.

“Encumbrances” and “Prohibitions” are referred to in Parts I and II of the First Schedule to the Immovable Property (Transfer and Mortgage) Law 9/65.

The most common Encumbrances are the following:

- A mortgage
- A registration of a judgment made under the Civil Procedure Law (known as “memorandum” or memo).
- A writ of sale of immovable property
- A deposit of a contract of sale of immovable property.
- A conditional attachment of property made by the Registrar of Co-operative Societies.
- A judgment or order of any Court directing the alteration or cancellation of a registration of immovable property.
- A publication of the apportionment of the cost of the construction of a street.
- A charge on immovable property in respect of a registration of immovable property fee.
- A judgment or order directing the sale of immovable property.

Prohibitions under the provisions of the above Law are:

- An interim order of any Court restraining a defendant from alienating or charging his immovable property.
- An order of any Court appointing a guardian of a prodigal.
- Adjudication of any natural person as “mentally disabled patient”
- An interim receiving order.
- A receiving order or an order for the winding up of a company.

No encumbrance or prohibition is constituted unless:

- it is first deposited at the Lands Office of the District where the property is situated.
- the formalities prescribed by any law or regulation are followed.
- the acceptance and registration fees are paid at the Department of Lands & Surveys.

More details on the procedure and formalities to be followed by all persons in whose favour the following **encumbrances** are constituted are given in:

- ◆ registration of memorandum (Court judgment)
- ◆ application made for registration of immovable property in a debtor's name.
- ◆ deposit of a contract of sale.

For more information with respect to **prohibitions**, please refer to the section relating to an interim order restraining a defendant from transferring or charging any of his immovable property.

4.2. REGISTRATION OF MEMORANDUM (MEMO) (Civil Procedure Law, Cap.6, Sections 53-62)

Where a Court has issued a judgment in favour of a creditor ordering the other party to the proceedings (judgment debtor) to pay a specified amount of money to the judgment creditor, the creditor may register a charge with the Department of Lands & Surveys against any immovable property registered in the name of the debtor as security for the recovery of the judgment debt.

The encumbrance created upon registration of a judgment is called “memo” (from the Latin term “memorandum”).

A memorandum is registered upon deposit of a certified copy of the Court’s judgment with the Lands Office of the District where the debtor’s properties are situated. Such deposits may be made on all working days on which the Lands Offices are open to the public from 8:00 to 12:30. The procedure of acceptance of a memo does not take more than 15-30 minutes. Lands Offices do not accept memos sent by post.

Form N.56 is to be completed and signed by the creditor, his agent or attorney and deposited with the above judgment. Form N.57 (certificate of registration of “memo”) is to be completed and signed by the Lands Officer in charge and returned to the creditor.

The fees for the registration and issue of the certificate of registration of the memo are payable upon deposit of the memo. Such fees are paid on the same day (**see ANNEX**).

A memo remains in force for six years from the date the judgment was first registered with the Department and its duration may be prolonged by an order of Court for a further period not exceeding two years **each time**.

Applications requesting for a prolongation of the period of duration of any memo must be filed before the Court at least one month before the memo’s expiry. The Court’s order for prolongation



of the period of registration of the memo must be deposited with the Department within 14 days from the date when the memo would have expired. The memo shall be cancelled wholly or partly, upon filing with the Department of Lands and Surveys of a Special form N.58 signed by the creditor, his agent or his attorney.

All memos shall be recorded in a special book kept at each District Lands Office. The public is allowed access to the records of memos kept with the Department in the presence of the Land Officer in charge.

4.3. APPLICATION OF REGISTRATION OF IMMOVABLE PROPERTY IN A DEBTOR'S NAME (Civil Procedure Law, Sections 63-71)

Any judgment creditor, who wishes to enforce his judgment debt by sale of the immovable property of his debtor, may file an application with any District Lands Office where the properties of the debtor are situated to register the properties in the debtor's name.

The application is to be made on Form N.43 and must be accompanied by the necessary certificates of possession etc., issued and signed by the President of the Community in the boundaries of which the properties are situated and by a certified copy of the judgment. All appropriate fees are payable upon filing of application Form N.43.

All applications are decided after a local inspection of the properties contained in the application has been carried out in the presence of the applicants and the Community Presidents or their representatives. It is the applicant's/creditor's responsibility to provide all necessary information and in general to do everything required for the registration of the properties in the debtor's name.

The encumbrance against the property, whose registration is requested, is created upon filing of the application. Such encumbrance expires six (6) months from the date the District Lands Officer informs the applicant/creditor of the registration of the property or of his refusal to register the properties in the debtor's name. Thus, any applicant/creditor wishing to enforce such judgment debt is advised to act without delay to register such judgment (memo) and thereafter apply for a writ of sale of the properties to be issued for recovery of the judgment debt.

Time required for completion

The procedure of acceptance of the application does not take more than 15-30 minutes whereas the registration of the properties takes from 1 to 1 ½ years depending on the particularities of each case, the accumulated volume of work, and available personnel.

4.4. DEPOSIT OF CONTRACT OF SALE OF IMMOVABLE PROPERTY (The Sale of Land (Specific Performance) Law No. 81(I)/2011)

The Sale of Immovable Property (Specific Performance) Law, No. 81(I)/2011 entered into force on the 1st of August 2011, replacing the previous Legislation, regulating the specific performance of Sale Contracts.

The new legislation introduces provisions for the enhancement and upgrading of the protection of purchasers, provided that they deposit the sale contract with the appropriate Lands Office, in order to safeguard that the object of the sale shall be finally registered in their names, either through the transfer thereof by the vendor, or through the procedure of specific performance. The term “specific performance”, means the registration of the property in the name of the purchaser, after the issuing of the relevant Court Order, when the vendor refuses or he/she is not in a position or fails to comply with his/her contractual obligations.

A necessary precondition for the purchaser in order to safeguard the benefits provided by the new Legislation is to deposit the Sale Contract with the Department of Lands and Surveys, within the specified time limits.

The innovative safeguarding provisions of the Legislation are the following:

- **Registration of the property in the name of the purchaser, despite the existence of a prior mortgage.**

In most cases, the property being sold is mortgaged. Under previous legislation, in order for the mortgaged property to be transferred to the purchaser, it was necessary that the vendor paid off his mortgaged debt to the creditor. Where the vendor was unable to perform his/her obligations against the creditor, the purchaser could not activate his/her right for specific performance, because of the mortgage, unless he/she had paid off the mortgage debt himself/herself.

The new legislation provides the opportunity to the purchaser, when the object of the sale is mortgaged, to pay the amount due each time, under the Sale Contract, to the mortgage creditor directly and not to the vendor. When the purchaser pays that part of the mortgage debt which corresponds proportionally to the value of the property he/she has purchased as compared to the total value of the property mortgaged, the Court may issue an order for specific performance, ordering the registration of the property in the name of the purchaser free from the encumbrance. The part of the mortgage debt that is attributable to the purchaser is determined by the ratio of the value of each property under sale, in relation to the total value of the mortgaged property.



- **Security of the amount paid by the purchaser, under the Sale Contract deposited.**

The new Law secures the amount paid by the purchaser, where the specific performance of the Contract is not possible, either due to inability on the part of the vendor to release the object of the sale from any encumbrances, or due to sale of the property for other reasons. A similar security is provided also where the Court, instead of a specific performance order, issues an order for compensation. In both cases, the amount is secured in accordance to the priority of the encumbrance created by the deposit of the Sale Contract.

- **Adoption of the institution of vesting of the rights and obligations deriving from the existing Sale Contract, and the possibility to deposit the Vesting Contract at the Lands Office.**

Through “vesting” as provided in the new Law it is now possible to deposit a vesting contract whereby the purchaser (transferor), who has deposited the Sale Contract with the appropriate Lands Office, before being registered as the registered owner of the property, may grant (vest) his rights deriving from the sale contract to a third person (the transferee), either with or without a consideration.

- **Securing of borrowing by purchasers through financial institutions by depositing the Vesting of a Security Contract.**

Through an agreement between the purchaser (transferee of security) who has deposited his Sale Contract and a third person (creditor/transferor of security), the rights of the purchaser deriving from the sale agreement are vested to the creditor in order to secure his/her monetary obligation against the creditor.

Subject to the provisions of the Law, the proposed purchaser must proceed with a lot of caution (and preferably request the assistance of expert advisors) to the following actions in the order they are laid out below:

- Upon deciding on the immovable property he/she is interested in, he/she may apply to the appropriate Lands Office to search whether the property is subject to any encumbrances (e.g. mortgage, memos etc) or whether the owner is charged with court prohibitions (e.g. bankruptcy, interim orders).
- In case the property is part of a development or a plot under division, the purchaser is advised to ask the vendor to produce a planning permit or land building permit or division permit, as the case may be.
- He/she is then advised to apply to the Planning or Building Authority to verify the above permits.

- If the object of the sale contract is another type of immovable property (e.g. field) it is advisable to seek information from the Planning Authority regarding the prospects and the allowed development thereof (use and density of buildings or other).
- In case the immovable property is encumbered with a mortgage, it is advisable to request from the vendor to inform him/her on the value ratio of the property under sale in order to be aware of the part of the mortgaged debt apportioned to him/her. The purchaser has the right to pay an amount corresponding to the value of the property he/she has purchased (part of the mortgaged debt) directly to the mortgage creditor and not to the vendor and the mortgage creditor is obliged by law to receive it. If so paid, and the vendor refuses or is not in a position to proceed to the transfer, the purchaser may apply to the Court for an issue of a Court Order of Specific Performance in order to be registered as the owner, regardless of any existing encumbrance, and his property will thus be released from such encumbrance.
- It is advisable that in the case of a part of an immovable property (namely a building plot under division or a unit on a building), the architectural plans indicating the part of the property under sale shall be attached to the contract of sale. Where there exists a Planning or a Building Permit, it is advisable to use the approved plans of the permit.
- As soon as the Sale Contract is signed and stamped by the Registrar of Stamp Duties it is advisable to be lodged at the District Lands Office of the District in which the property is situated. Regardless of the six month expiry date for its deposit, any delay may create problems to the purchaser if in the meantime other encumbrances are deposited as against the object of the sale.
- The deposit of the Sale Contract is carried out by completing and submitting Form DE.129, which is available at all District Lands Offices or it may be downloaded from the webpage of the Department of Lands and Surveys.
- Where there are conditions requiring the prior deposit of the Contract of a previous mortgage, the purchaser, having so informed the vendor, may apply to the mortgage creditor to settle the payment of part of his proportion of the mortgaged debt.
- If one purchases property from a person who is not the registered owner thereof, but he is a purchaser under a Sale Contract lodged, in other words, if he proceeds to the signing of a Vesting Contract, then, in addition to the above actions, he/she must:
 - confirm that the Sale Contract has been lodged with the Lands Office.
 - be informed by the vendor in the Sale Contract of the existence of any amount due by the transferor and/or other obligations to the vendor.
 - arrange for the manner of payment of the Capital Gains Tax by the transferor.



- The deposit of a contract of sale is carried out at the District Lands & Surveys Office of the District where the property is situated, by completing Form DE130 (copy of the form may be obtained at any District Lands Office or downloaded from the webpage of the Department of Lands and Surveys). The signatures of the contracting parties on the relevant form must be duly certified, unless they are duly certified in the actual Vesting Contract. The application to be lodged must be accompanied by the Vesting Contract duly stamped and by the Certificate of Payment of the Capital Gains Tax.

More information regarding this legislation and all application forms, are available on the webpage of the Department of Lands and Surveys, www.moi.gov.cy/dls.

4.5. PROHIBITIONS (INTERIM ORDER)

Any Court before which an action for debt or damages is pending may by an interim order direct that the defendant in such action be restrained from alienating or charging with so much of the immovable property (standing registered in his name or for which he has by law a right to be registered) as in the opinion of the Court shall be sufficient to satisfy the applicant/plaintiff's claim, in case he wins the case.

Such interim order shall remain in force for as long as as the Court may decide or until the issue of a final judgment.

A true copy of the interim order may be deposited with the Lands Office of the District where the affected property is situated on any working day and during all hours District Lands Offices are open to the public (daily from 8:00 to 12:30) together with a memorandum in writing (Form N.54) signed by the plaintiff or his agent or attorney. All prescribed fees are payable on the same day at the Department of Lands & Surveys (**see ANNEX**).

The certificate for the registration of such order (N.55) is issued upon the deposit of the order.

Such orders may be cancelled or amended only by the Court or may also be withdrawn upon a declaration in writing filed by the applicant, his agent or attorney.

5. FORCED SALES (SALES BY PUBLIC AUCTION)

5.1. PUBLIC AUCTIONS

The Department of Lands & Surveys is the competent government department authorised to act in cases of sale of immovable property by public auction. The term “**forced sales**” means any sale of property by public auction performed in pursuance to a statutory provision or as a result of the execution of a writ of sale of immovable property, judgment or order issued by a competent Court. Such forced sales may be divided into two categories:

- Sales regarding settlement of a debt, the main ones being:
 - sale of properties under mortgage upon an application filed by the mortgagee,
 - sale of properties under mortgage upon judgment issued by a competent Court,
 - sale of properties upon the execution of a writ of sale issued by the Court,
 - sale of properties upon an application filed by a judgment creditor.
- Any other sale; the sale of properties held in undivided shares being the most common.

Sales by public auction are carried out by auctioneers appointed by the Director of the Department of Land and Surveys in accordance with the Rules of Sale who must first meet the following requirements:

- he/she must satisfy the Director after taking a written or oral examination that he/she has sufficient knowledge of the Rules of Sale and of the provisions of any other laws referring to sales by public auction.
- deposit with the Director of the Department a bank guarantee or contract of mortgage of immovable property in favour of the Republic of Cyprus as proof of the truthful execution of his duties.

It is common in such cases for debtors to exhaust all means at their disposal (objections, court appeals etc) in order to defer the sale.

Time required for the completion of the sale

The time required for completion of such cases pertaining to any sale of immovable property for the satisfaction of a debt cannot be estimated because it depends on other factors (such as an open Court procedure) and various depending on the particularity of each case and the accumulated volume of work.

5.2. SALE OF MORTGAGED PROPERTY

Requirements – Procedure

Any mortgagee may initiate the procedure of sale of the mortgaged property to recover the mortgage debt upon filing an application for the sale of such property if one month after the



date agreed for the satisfaction of the debt secured by the mortgage, the mortgagor makes default of payment and fails to comply with the terms of the contract of mortgage. Such procedure begins with the service of a written notice (Form N.275) by the mortgagee upon the mortgagor requesting him to settle the debt within one month and advising him that in case default he shall apply to the Director of the Department of Lands & Surveys requesting the sale of the mortgaged property. Such notices may be obtained from any District Lands Office (Form N.275) and must always be accompanied by a statement of account for the mortgage debt. If one month from the service of the said notice (Form N.275) upon the mortgagor, the latter has failed to pay the mortgage debt, the mortgagee shall file an application for the sale of the said property with the Lands Office of the District where the property is situated.

Documents attached to an application for sale of immovable property

- Application Form N.276. The particulars contained in the application must be certified by means of an affidavit. Such application is to be filed within seven (7) days from the date of the affidavit.
- Copy of notice (Form N.275).
- Copy of the statement of account.
- Receipt by the Postal Services Department, where the notice was served by double registered post.
- Certificate of mortgage (N.271) with any other additional document.
- Certificate of registration of the property.

All prescribed fees are payable upon filing of the application (**see ANNEX**).

From the time of acceptance of the application up until the sale of any immovable property, the Director of the Department has to:

- check all particulars contained in Application Form N.276, in Notice N.275, in the statement of account and in the notice served upon the defaulting mortgagor and any interest on arrears.
- inform all mortgagees (of all prior or subsequent mortgages) of the acceptance of such application.
- invite all mortgage creditors of prior mortgages to produce a sworn statement of account in respect of the mortgage debt.
- ascertain all fees, taxes and charges leviable on the properties proposed to be sold.
- determine the reserved price of sale of the properties concerned and notify such price to all interested parties.
- decide on all objections and determine a new reserved price of sale.
- determine the amount payable under the mortgage to the mortgagee who applied for sale of the property.
- determine the amount of all fees, taxes and expenses involved in the sale and invite the applicant/mortgagee to pay any such fees to the Department.

- notify his decision in relation to the said sale to all interested persons (the property must be sold 30 days after notification of such decision).
- cause all notices of sale to be posted up and inform all interested parties of the exact date, time and place of sale, the name of the auctioneer and give any other information or instructions as he may think fit.

Reserved price of sale

A **reserved price of sale** is fixed for any sale of immovable property by public auction. Such price shall be the lowest bid accepted as first bid for the sale of any such property. Where no bid has been made, which is equal to or higher than this amount, the sale is deemed to be abortive. The reserved price of sale is determined by the District Lands Officer in charge and initially cannot exceed the estimated value of the property; It is then notified to the persons concerned who may, within three weeks from the date of the notice, to request its review, upon paying the relevant fees for a local research. The District Lands Officer determines then as a reserved price, the market value of the property, reduced by 10% and notifies his decision to the interested persons.

Fixing of the date of sale

After all notices have been sent and all fixed periods of time as specified in the Law and in the Rules of Sale have been complied with, the Director of the Department of Lands & Surveys shall fix the date of sale and notify this to all interested parties. He shall then prepare the notices of sale (Form N.70) and cause one copy to be sent to the auctioneer, one copy to be posted up in any place where notices are posted in the village or quarter where the property is situated. The place, date and time of such sale shall also be published in the local press.

All interested parties may apply to the Court and obtain an order of cancellation or alteration of any decision taken by the Director of the Department of Lands & Surveys.

The auctioneer shall proceed with the sale of the property at the date and time fixed by the Director unless:-

- the mortgagor or any other person appearing on behalf of the mortgagor pays to the auctioneer such amount for settlement of the debt and payment of all expenses of the intended sale prior to the commencement of the sale procedure.
- the mortgagor or any other person appearing on the mortgagor's behalf at the procedure of sale of the property pays to the auctioneer an amount which together with the amount collected up until that moment settles the debt and pays all expenses of the intended sale.



Application of the Proceeds of Sale

The proceeds of the sale of immovable properties shall be applied in the order given hereinbelow for purposes of payment of:-

- all fees, charges and other expenses of the sale,
- any fee, tax, rate or duty which is a first charge on the immovable property sold in priority to any other charge thereon,
- any debt payable under a prior mortgage,
- any amount secured by the mortgage in favour of the mortgagee who applied for the sale of the property,
- any sum secured by any mortgage subsequent to the mortgage in favour of the mortgagee who applied for the sale,
- any claims and judgments (memos) etc., registered in order of the respective priorities of their registration,
- any balance payable to the mortgagor.

5.3. SALE OF MORTGAGED PROPERTY BY COURT DECISION

Any mortgagee may first apply to the Court and obtain an order of sale of the mortgaged properties instead of serving a notice accompanied by a statement of account upon the mortgagor and then apply for the sale of the property.

Documents

- Application (whether handwritten or typed) for sale of the properties (there is no specific form) listing the documents attached thereto and stating the sums paid from the day of issue of the order up until the date of the application.
- Certified copy of the order, and
- Certificate of registration of the property and contract and declaration of mortgage (Form N.271).

The same procedure is followed as in the sale of mortgaged property whereas the amount, which the mortgagee is entitled to receive, has already been determined by the Court.

5.4. WRIT OF SALE OF IMMOVABLE PROPERTY

A writ of sale authorises the Court's Registrar to proceed with the sale of immovable property registered in the name of a judgment creditor for the satisfaction of the judgment debt and of the expenses arising from the execution of the writ.

A writ of sale confers sufficient authorisation to the District Lands Officer to sell as much part of the debtor's registered immovable property as necessary to secure the judgment debt. The writ

is served by a bailiff upon the Lands Office of the District, where the properties are situated, and the judgment creditor or his attorney are only requested to pay the fees for the acceptance the writ of sale (**see ANNEX**).

Where no reserved price of sale is specified in the writ of sale, such price is determined in accordance to the procedure as prescribed in the sale of mortgaged property and upon payment of the relevant fees, the notices for the sale of the immovable property are prepared and posted up and all interested parties are informed accordingly and then the public auction is carried out.

After the sale and application of the proceeds of sale, a final account is prepared and sent together with the writ to the Registrar of the competent Court.

5.5. SALE OF IMMOVABLE PROPERTY UPON APPLICATION MADE BY A JUDGMENT CREDITOR (Section 98-99, Cap. 6)

Any judgment creditor may apply to the Lands Office of the District where the property is situated requesting the sale of the property to secure the judgment debt instead of asking for a writ of sale to be issued by the Court. Such application may be filed after one year has elapsed from date of registration of the judgment ("memo") with the Department of Lands & Surveys.

Documents attached to the application

- Certified copy of the judgment,
- Certificate of registration of the MEMO,
- Search certificate for the property and its assessed value,
- Copy of notice served upon the judgment debtor on a specific form as provided by the regulations of the Civil Procedure Law,
- Affidavit made on a specific form as provided by the regulations of the Civil Procedure Law.
- Application of sale.

Where the judgment debtor disputes the judgment debt, the matter shall be referred to the Court. The procedure of sale of immovable property upon application made by a judgment creditor as well as the application of the proceeds of such sale is the same as the one followed in the sale of mortgaged property.

5.6. SALE OF PROPERTIES HELD IN UNDIVIDED SHARES

Any co-owner in a property held in undivided shares must first obtain a certificate of indivisibility to be entitled to file an application for the sale of his property. Such certificate may be obtained from the Director of the Department of Lands & Surveys stating that the property in question



cannot be partitioned or divided amongst the co-owners without contravening the provisions of the law (e.g. with respect to the minimum extent applying for the division of properties).

The application to obtain a certificate of indivisibility shall be deposited with one of the District Lands Office regardless of the District where the property is situated (there is no specific application form for this purpose).

Documents attached to the application

- Certificate of registration (if any),
- Search certificate on which all co-owners of the property are shown,
- Certificate signed by the President of the Community/Mukhtar which must specify:
 - the names and addresses of all registered co-owners or their heirs where any of the co-owners is deceased,
 - that the property is in the same condition as described in the title,
 - that the property is held in undivided shares by all co-owners, and
 - whether the property is irrigated or is capable of being irrigated by a perennial or seasonal source of water.

Where no registration for the property exists a local enquiry shall be carried out before issuing the certificate of indivisibility.

All applicable fees are payable upon deposit of the application (**see ANNEX**).

Service of certificate of indivisibility

Any co-owner in a property held in undivided shares may, upon receipt of the certificate of indivisibility, serve a copy thereof accompanied by a notice attached thereto to all co-owners resident in Cyprus stating that unless all owners do not, within a period of thirty (30) days, agree that the title of the property be transferred to one person, he shall apply to the Director of the Department of Lands & Surveys to proceed with the sale of the property by public auction. The service is made either by double registered post or per writ of summons served by a bailiff or personally in the presence of a witness.

Documents attached to the application of sale

After the lapse of the period of 30 days from the date of service of the notice and of receipt of the certificate of indivisibility, the applicant, his agent or attorney may file an application with the Lands Office of the District for sale of the property and attach thereto:

- copy of the certificate of indivisibility,
- copy of the notice to co-owners,
- sworn statement by the applicant with respect to the aforesaid service,
- advice of receipt by the post where the service was made by double registered post,
- a certificate certifying the absence of any co-owner abroad, and
- certificate of registration (title) of the property.

All prescribed fees for acceptance of the application and all relevant expenses are payable by the applicant (**see ANNEX**).

The Director may exercise his discretion and proceed with the sale of the property in accordance with the rules of sale and distribute the proceeds of sale amongst all co-owners in accordance with the size of their share after deduction from the proceeds of sale of all fees, taxes, charges and expenses. The Director shall take all factors affecting or concerning the property into account and in certain cases is entitled to refuse to proceed with such sale.

Time of completion of the procedure

This procedure does not take more than one year, and varies depending on the particularity of the case, the accumulated volume of work and the available personnel..



6. LEASES

(Law Cap. 224, Sections 65A – 65IE)

6.1. REGISTRATION OF LEASE

Any agreement for the lease of immovable property for a period greater than 15 years may be registered with the Department of Lands & Surveys. The registration of such lease agreement entitles the lessee to transfer mortgage, pass on to his/her heirs or sell by public auction such **leasehold**.

For as long as a **leasehold** exists, the lessee holds the right of possession and enjoyment of the property whereas the lessor holds only the naked ownership of the property. The absolute ownership of the property of the lessor is resumed upon expiration or cancellation of the lease. The freehold and leasehold interests subsist independently the one from the other and are interrelated only to the extent specified in the lease agreement.

The registration of a lease agreement with the Department must comply with the following conditions and requirements:

- the period of time remaining up to the expiration of the lease and taking into account any periods of prolongation or renewal, to which the lessee may be entitled, **must not be less than 15 years** (Some Turkish Cypriot properties are exempt from this requirement),
- the lease agreement must be a **valid** one under Contract Law,
- the agreement must contain an **express** provision allowing its registration,
- the property under lease must be registered (i.e. a title must exist) in the lessor's name (state land and some Turkish Cypriot property is exempt from this requirement),
- where the property under lease is held in undivided shares by two or more persons the lease agreement must be signed by all such persons,
- the date of entry into effect and expiration of the lease must be expressly specified in the lease agreement,
- the property under lease must be free from any encumbrance, whereas the owner must not be under any prohibition and where the property is charged by an encumbrance, the consent of the person in whose favour the encumbrance operates (and in the case of a mortgage the consent of all guarantors) is required,
- where the lease affects only part of the property and the agreement results in the parcelling of the property such parcelling must not contravene the provisions of the law,
- the fees for registration and issue of the certificate of registration (**see ANNEX**) must be paid.

The application for the registration of the lease (Form N.304) must be filed with the Lands Office of the District where the leased properties are situated and be accompanied by:

- copy of the lease agreement duly stamped.
- certificate of registration of the property unless otherwise provided by the law.
- copy of the cadastral of the property showing the part of the property under lease, where the lease concerns portion of the property.
- any other document requested by the Director (e.g. permit of division of the land etc).

Such registration is made upon record of the lease agreement in the Register of Leases of the Department and is followed by the issue of the certificate of registration of the lease.

The time of completion of registration is estimated to 3-4 months and varies depending on the particularity of the case, the accumulated volume of work and the available personnel.

6.2. TRANSFER OF LEASE AND SUBLEASE

Any lease or sublease registered with the Department of Lands & Surveys may be transferred for a period exceeding 15 years unless such transfer is prohibited in the lease agreement. Where such prohibition exists, the lessor's or sublessor's consent or a Court order must be obtained for the registration of such lease or sublease.

Certificates of registration are issued in the name of the transferee or sublessee after all requirements prescribed by the Law have been complied with (the same as those applicable to the registration of the original of the lease agreement).

Fees

The fees payable to the Department of Lands & Surveys for the registration of any sublease **are the same as those payable for the registration of leases**. For the registration of transfer of leases *see ANNEX*.

The time of completion of procedure is the same as the time required for the registration of a lease.

6.3. AMENDMENT OF LEASE

Any lease agreement amending the original lease or sublease agreement registered with the Department of Lands & Surveys must be deposited with the Department to enable the updating of the records and the issue of new certificates of registration for the leases. The amendment of essential conditions of the lease or sublease agreement, such as the lease period, the premises (the property under lease) or the rent is prohibited.

6.4. EXPIRATION OF LEASE

The Director of the Department of Lands & Surveys may delete all registrations made at the Department upon expiration of the lease or sublease, as the case may be, and inform all interested persons of such deletion which may also include any subsisting encumbrances, mortgages, memos etc.

6.5. CANCELLATION OF REGISTRATION OF LEASE

Any registration of lease or sublease may be cancelled before its expiration upon consent obtained in writing from the lessee, the lessor, any sublessee and all persons in whose favour an encumbrance or prohibition subsists or by order of Court.



7. COMPULSORY ACQUISITION - REQUISITION

General information on the procedure to be followed by owners in cases of compulsory acquisition and requisition of their immovable property and the rights of all such owners.

7.1. ACQUISITIONS

Subject to the provisions of Article 23 of the Constitution and of the Compulsory Acquisition of Property Law 15/62 any property may be acquired compulsorily for a purpose which is to the public benefit.

Acquiring authority means:

- the Republic
- a municipal authority
- a public corporation
- a public utility body
- a communal chamber

Where immovable property needs to be acquired compulsorily the acquiring authority:

- shall cause a notice of the intended acquisition to be published in the Official Gazette of the Republic and cause a copy of the notice to be served upon any interested person. Where the person upon whom the notice is to be served cannot be traced, the acquiring authority shall obtain a confirmation from the president of the local authority (mukhtar) that such person cannot be traced and publish the notice in at least two daily local newspapers,
- shall call upon any interested person to submit to the acquiring authority within thirty days from the date of service of the notice any objection,
- proceed with all reasonable speed to the examination of any objections to the acquisition made and unless the acquisition is confirmed upon publication of an order of acquisition within twelve months from the date of publication of a notice of acquisition, the procedure shall be deemed to have been abandoned, and
- shall, within fourteen (14) months from the date of publication of the notice of acquisition, send a written offer relating to the compensation payable for the property so acquired.

Upon receipt of the offer, any interested person may:

- ◆ accept the compensation for full and final settlement of all his/her claims relating to the acquisition of his/her property,
- ◆ accept the amount offered reserving his/her right to apply to Court for fixing the final amount of compensation. In this case, he/she has to apply to Court within 75 days from the date of the payment of the compensation,
- ◆ refuse or ignore the offer. In this case either the acquiring authority or the interested person may apply to the Court for the determination of the final compensation.

Compensation

Where the whole property is subject to compulsory acquisition, the amount of the compensation includes:

- the market value of the property as at the date of publication of the notice of acquisition, and
- any other damage caused on account of such acquisition.

Where only part of such property is acquired the compensation is also assessed with reference to the market value of that part of the property as at the date of publication of the notice of acquisition. In these cases the law provides the set-off betterment and compensation for injurious affection/severance, trade disturbance, reinstatement and any other damages or losses sustained by the owner on account of such acquisition.

Note:

An annual interest in accordance with Law 15/1962 shall be added to the amount of compensation, starting from the date of publication of the notice of acquisition until the date of the payment of the compensation.

7.2. REQUISITIONS

Subject to the Requisition of Property Law 21/62, immovable property may be subject to requisition. Under the provisions of the Law, the compensation granted in the cases of requisition of immovable property includes:

- the rental value of the property under requisition,
- compensation for any disturbance caused (loss of business etc),
- where such property is agricultural land any sum equal to the amount, if any, which might reasonably have been expected to be payable in respect of seeds, fertilisers etc., and
- any sum payable at the end of the period of requisition equal to the cost of making good any damage occasioned to the property, excluding natural damage.

Note:

The compensation for the requisition of any property shall carry an annual interest of 4% beginning from the date the sum becomes payable up to the date of payment.

7.3. EXPENSES RELATING TO PROFESSIONAL ADVICE

Since the owner has no other way to find out what is a fair price for the acquisition/requisition of his land, he has a right to obtain expert advice from a Certified Property Valuer (member of the Cyprus Scientific and Technical Chamber), before he decides on any offer from the acquiring/requisition authority. In such case the acquiring/requisition authority bears the costs. In the case of court referral there is a possibility that the Court may decide otherwise.



8. DISPOSAL OF STATE LAND

Any disposal of state land is subject to the Immovable Property (Tenure, Registration & Valuation) Law, Cap.224 (Section 18) and to the Immovable Property of the Republic (Disposal) Regulations 173/1989. Under the provisions of such Law and Regulations, the Council of Ministers may dispose of, i.e. grant, lease, exchange or otherwise alienate any property of the Republic or vested in the Republic, to any person entitled thereto as well as to any corporation or local administration authority.

Any person, corporation or local administration authority entitled thereto, may file an application for the disposal, grant, lease or exchange of property of the Republic, provided that such application is made pursuant to the above Regulations. The application form may be obtained from the webpage of the Department of Lands and Surveys at www.moi.gov.cy/dls or from any District Lands Office.

The main rules and conditions prescribed by the Regulations for the disposal of immovable property owned by the Republic are described hereinbelow.

8.1. GRANT OF STATE LAND

Any property or part of immovable property of limited extent owned by the Republic may be granted upon payment of fair consideration or be exchanged with any other property where:

- it is wholly surrounded by another plot owned by the applicant, or
- it is wholly surrounded by two or more plots owned by the same person, i.e. the applicant or
- if it is wedged in the applicant's plot, or where
- a building used as a dwelling-house or any part thereof has been constructed on the whole or on any part of such property as a result of an error made in good faith.

8.2. LEASE/GRANT/EXCHANGE OF STATE LAND FOR AGRICULTURAL PURPOSES

- Any state land suitable for agricultural purposes and situated beyond the areas of any town or village water supply boundary and away from any area of residential development may be leased or licensed for such purposes over the medium or long term, depending on the intended cultivation. Priority shall be given to young applicants who are of poor financial position, who are farmers or stockbreeders displaced as a result of the Turkish invasion and who do not own any property suitable for agricultural purposes or holders of a degree in agronomy registered as unemployed with the unemployment service of the Ministry of Labour and Social Insurance or holders of agricultural land adjacent to such state land.
- Any property owned by the Republic may also be granted for agricultural purposes upon payment of fair consideration or be exchanged with a private immovable property or leased where such property:

- is situated away from the urban areas and its cultivation is deemed to be in the public's interest.
- is situated in afflicted areas on account of the emergency situation created following the Turkish invasion.

Note:

The rent shall be calculated based on comparable rents for other properties in the area for agricultural purposes.

8.3. LEASE OF STATE LAND FOR STOCKBREEDING PURPOSES

Immovable property intended for stockbreeding purposes and situated outside farming areas may be leased over a medium or long-term period depending on the size and the importance of the stockbreeding unit which is to be established and the housing potential or any other development of the area.

Priority is given to persons who meet the aforesaid criteria applying to the grant for agricultural purposes of immovable property owned by the Republic.

Where any state land, whose lease is proposed for stockbreeding purposes, is situated outside an area declared as stockbreeding zone or determined as stockbreeding area, the Council of Ministers shall take, in its decision to lease the said property, the following into account:

- the type, size and viability of the stockbreeding unit proposed to be established.
- its use for purposes of public benefit,
- the type of the intended facilities and their impact on the environment of the surrounding area, and
- whether the intended use of the property is the most suitable under the circumstances.

Note:

The rent is calculated based on comparison with the rent prices in the area for stockbreeding purposes:

8.4. GRANT OF STATE LAND FOR HOUSING PURPOSES

In exceptional cases, any state land suitable for housing purposes may be granted to provide housing for poor families or for families intending to settle in areas which have been adversely affected as a result of the Turkish invasion and upon such terms as determined by the Council of Ministers in each case.



8.5. LEASE OF STATE LAND FOR PURPOSES OF TOURIST DEVELOPMENT

Any state land deemed suitable for tourist development may be leased for the long term or licensed for such purposes depending on the type of tourist development and as approved by the Council of Ministers in each case.

Note:

The rent is calculated on the market value of the property, at a rate of 5% for the construction of hotels or tourist flats (principal tourist use) and at a rate of 1%-3,5% for auxiliary purposes (swimming pool, tennis courts etc) on the market value of the property.

8.6. LEASE OF STATE LAND FOR INDUSTRIAL PURPOSES

Any state land situated within industrial zones may be leased to any person qualified to set up an industrial unit for a period of thirty-three years by applying to the Department of Lands and Surveys. Such lease may be renewed for a second or a third period of thirty-three years if the Council of Ministers thinks it fit.

In exceptional cases, state land situated outside an industrial area or zone may be leased only where the Council of Ministers is satisfied that:

- the applicant is suitable to set up the proposed industrial unit,
- the property is suitable for this purpose, and
- such unit will not have an adverse impact on the environment.

Note:

The rent is calculated at a rate of 1%-3.5% on the property's market value.

8.7. EXCHANGES

The exchange of any state land with any private immovable property is allowed only in exceptional cases and where such exchange is deemed fit for purposes of any alignment and readjustment of boundaries of one or more adjacent properties or for the improvement of the road network.

8.8. EXCHANGE OF STATE LAND WITH PRIVATE PROPERTY UPON COMPULSORY ACQUISITION

An exchange of state land with a property or part of any private immovable property, which under the Compulsory Acquisition of Property Law has been acquired compulsorily, is allowed only where:

- the compensation for the acquisition of the private property has been finally determined.
- such acquisition deprives the applicant of the whole or any part of his property where either:
 - was used as a dwelling-house or was intended for the construction of a dwelling-house for use by the applicant or his family, or
 - was used for carrying on any business, trade, profession or vocation,
 - the applicant's financial situation is considered to be poor, and
 - the state land whose exchange is proposed:
 - is situated in the same district and preferably in the same area where the property acquired compulsorily is situated,
 - is suitable for the purposes for which the property compulsorily acquired was also used, and
 - is of an almost equal value with the compensation finally determined.

8.9. GRANT OF PUBLIC ROADS

Exchange or alienation of part of a public road is permitted only in case where another sufficient public road has been granted, to replace thereof or in case the exchange or the alienation shall be done to improve such road and provided that the interests of third persons are not affected.

8.10. PROCEDURE FOLLOWED FOR THE DISPOSAL OF STATE LAND

The whole procedure for the disposal of state land begins with the filing of an application with the appropriate Lands Office of the District where the property is situated, and payment of all prescribed fees at the Department of Lands & Surveys. After having obtained the opinion of any other government department, local authority and any other interested party, the Department of Lands & Surveys carries out a local enquiry and the relevant valuation and prepares the relevant report. The case is thereafter referred to the competent Ministerial Committee through the Ministry of Interior and thereafter to the Council of Ministers which finally decides on the matter.

The above procedure which includes the application, the collection of data and information and decision of the Council of Ministers, is time consuming and may take approximately 12 to 18 months to be examined and it varies according to the particularity of each case, the accumulated volume of work and the available personnel.

The fees payable upon the filing of such application are those levied for the purposes of the local enquiry (**see ANNEX**).



9. ADDRESSES OF CENTRAL AND DISTRICT LAND AND SURVEYS OFFICES

HEAD OFFICES

29 Michalakopoulou Str.,
1455 Nicosia

Tel.: 22804856
Fax: 22766056
E-mail: director@dls.moi.gov.cy

Central Surveys Office

Corner of Alasias & Z.Sozou Str.,
1455 Nicosia

Tel.: 22402890
Fax: 22304858
E-mail: survey@dls.moi.gov.cy

Central Cartography Office

23 Ezekias Papaioannou Str.,
1075 Nicosia

Tel. 22447909
Fax: 22769694
E-mail: cartogr@dls.moi.gov.cy

Land Information Centre

17 Alasias Str.,
1075 Nicosia

Tel.: 22608000
Fax: 22767001
E-mail: lic@dls.moi.gov.cy

Geodesy and Special Surveys/ Cartographies Office

13 -15 Chitron Str.,
1075 Nicosia

Tel.: 22608313
Fax: 22374749
E-mail: geodesy@dls.moi.gov.cy

DISTRICT LAND AND SURVEYS OFFICES

Nicosia

12 Nikos Kranidiotis Str.,
ELMENI COURT,
2411 Engomi, Nicosia

Tel.: 22400600
Fax: 22772350
E-mail: nidlo@dls.moi.gov.cy

Kyrenia

41-49 Ayios Nicolaos Str.,
NEMELI COURT, Block A,
1st Floor,
2408 Engomi, Nicosia

Tel.: 22408731/730
Fax: 22303838
E-mail: nidlo@dls.moi.gov.cy

Larnaca

40 Spyros Kyprianou Av.,
6301 Larnaca.
P.O.B. 40106, 6301 Larnaca

Tel.: 24803300
Fax: 24304291
E-mail: ladlo@dls.moi.gov.cy

Famagusta

Corner of Kavafis and Kazantzakis Str.,
6057 Larnaca
P.O.B. 40419, 6304 Larnaca

Tel.: 24803109
Fax: 24304290
E-mail: fadlo@dls.moi.gov.cy

Limassol

54 Demokratias Str.,
Ayios Ioannis,
3012 Limassol
P.O.B. 50200, 3601 Limassol

Tel.: 25804800
Fax: 25804880
E-mail: lidlo@dls.moi.gov.cy

Paphos

New Government Offices,
P.O.B. 60008,
8100 Paphos

Tel.: 26804160
Fax: 26306129
E-mail: padlo@dls.moi.gov.cy

SUB-OFFICES**Paralimni sub-office**

58 Stadiou Str.,
5280 Paralimni

Tel.: 23815100
Fax: 23829195
E-mail: fadlo@dls.moi.gov.cy

Evrychou sub-office

(Open only on Tuesdays)
11 Grivas Digenis Str.,
2831 Evrichou

Tel.: 22932900
Fax: 22932000



10. PUBLIC HOURS

1. Applications

(at all District Land Offices)

- | | | |
|--|---------------|-------------|
| ● Submission of applications | Monday-Friday | 08:00-12:30 |
| <hr/> | | |
| ● Submission of simultaneous transfer/mortgage | Monday-Friday | 08:00-10:30 |

2. Cadastral Plans/Maps

- | | | |
|---|---|--------------------------------|
| ● For the issue of cadastral plans and/or maps: <ul style="list-style-type: none">- Central Survey/Cartography Office (Nicosia) | Monday-Friday

Wednesday
<i>(Except July and August)</i> | 08:00-13:30

15:00-17:00 |
| <hr/> | | |
| ● For the issue of cadastral plans: <ul style="list-style-type: none">- District Land Offices | Monday-Friday | 08:00 -12:30 |
| <ul style="list-style-type: none">- Citizens Service Centres at the districts of Larnaca, Limassol and Paphos | Monday-Friday | 08:00 -17:00 |

ANNEX

INDEX OF FEES AND CHARGES

APPLICATIONS

1. Local Enquiries

	€
(a) For the acceptance of each application	1,71
(b) Plus, <u>for each property</u> included in the application	0,17
Additional charges and fees are levied depending on the type of application:	
(i) <u>For each property</u> included in an application for compulsory partition	0,85
(ii) For cadastral field survey work, regarding a boundary dispute application, <u>for each parcel</u> involved.....	160,00
(iii) For cadastral field survey work, regarding a boundary dispute application, arising as a result of a boundary demarcation, <u>for each parcel</u> involved	120,00
(iv) For cadastral field survey work, regarding a land parcel division application, or a boundary readjustment application, <u>for each new parcel</u> created:	
(a) For the completion of the application by the Department of Lands & Surveys (DLS)	110,00
(b) For the completion of the application partly by the DLS and partly by a private licensed surveyor	35,00
(v) For cadastral field survey work, regarding a building (strata) division application, <u>for each new unit</u> created:	
(a) For the completion of the application by the DLS.....	100,00
(b) For the completion of the application partly by the DLS and partly by a private licensed surveyor	30,00
(vi) For cadastral field survey work, regarding a street widening application, exchange of properties, a compulsory acquisition application, a lease/grant application, or a bore hole registration application, <u>for each parcel/property</u> :	
(a) For the completion of the application by the DLS.....	100,00
(b) For the completion of the application partly by the DLS and partly by a private licensed surveyor	40,00
(vii) For cadastral field survey work, regarding applications for the registration of plots, or applications for the amalgamation of parcels <u>for each plot/parcel</u> :	
(a) For the completion of the application by the DLS.....	90,00
(b) For the completion of the application partly by the DLS and partly by a private licensed surveyor	30,00

INDEX OF FEES AND CHARGES (continue)

<p>(viii) For cadastral field survey work, regarding a building registration application:</p> <p>(a) For the completion of the application by the DLS.....</p> <p>(b) For the completion of the application partly by the DLS and partly by a private licensed surveyor</p> <p>(ix) For the registration of property by adverse possession on the assessed value of each Property</p> <p>(x) For the registration of properties in the names of legatees and non-legitimate heirs, on the market value of each property on the day of the legator's death:</p> <p>- For every euro up to €85.430,07</p> <p>- For every euro exceeding €85.430,07 but not exceeding €170.860,14</p> <p>- For every euro exceeding €170.860,14</p>	<p>€</p> <p>80,00</p> <p>20,00</p> <p>8%</p> <p>3%</p> <p>5%</p> <p>8%</p>
<p>Note: <i>The market value of each property is determined by the Director of the Department of Lands and Surveys and is notified to the legatee. If the latter does not agree with the value so determined he/she is entitled to file an application for recourse at the Supreme Court.</i></p>	
<p>(xi) For every certificate of registration issued</p>	<p>0,43</p>
<p>2. Registration of property without local enquiry, record of easement or restrictive covenant, record of transferred built area ratio, evidence before Court etc.</p> <p>Fees are payable:</p> <p>a. For the acceptance of each application.....</p> <p>b. For each certificate of registration issued</p> <p>Additional fees are levied for the record of rights, easements, restrictive covenants etc:</p> <p>(i) For each property involved.....</p> <p>(ii) Plus, on the assessed value or market value of the right or easement, the same fees as are payable for transfers (upon gift, sale, exchange etc)</p> <p>Note: <i>For some types of applications, the fees are based on the time spent for the provision of the respective service.</i></p> <p><i>Per hour spent.....</i></p>	<p>0,85</p> <p>0,43</p> <p>1,71</p> <p>15,00</p>
<p>3. (a) For cadastral field survey work, regarding a land demarcation application undertaken by the DLS, for each boundary turning point (BTP)</p> <p>(i) Up to 6 BTP</p> <p>(ii) From 7 to 12 BTP (additionally)</p> <p>(iii) More than 13 BTP (additionally)</p>	<p>50,00</p> <p>30,00</p> <p>20,00</p>

INDEX OF FEES AND CHARGES (continue)

(b) For cadastral field survey work, regarding a land demarcation application undertaken (partly) by a private licensed surveyor, for each BTP		€
(i) Up to 6 BTP		15,00
(ii) From 7 to 12 BTP (additionally)		10,00
(iii) More than 13 BTP (additionally)		6,00
4. Certificate of indivisibility (for properties held in undivided shares)		
For each property		0,43
5. Copies of certificates of registration, of mortgage or charge		
For each copy		0,85
6. Cadastral plan copies		
(a) For a copy of the whole cadastral plan		2,00
(b) For a copy of a part of a cadastral plan		1,00
7. Certified copies of various other documents		
(a) For the preparation and certification of each document, for each page or part there of		0,43
(b) For the certification of a document, for each page or part there of		0,17
8. Search Certificates		
(a) for the registered properties of a specific person, per village or quarter		1,71
(b) for the assessed properties of a specific person, per village or quarter		0,85
(c) for the name of the registered person of a specific registered adjacent property, for each property		2,00
(d) for particulars or encumbrances relating to a specific property or any other information for which no special fee is provided in the Law, for every hour spent		15,00
TRANSFERS		
Fees are always paid by the transferee (i.e. the person in whose name the property is transferred)		
(a) Upon gift or sale by parents to child, the fees are levied on the assessed value of the property transferred	4%	
(b) Upon gift from spouse to spouse and from relative within the third degree of kindred other than upon gift by parent to child, on the assessed value of the property transferred	8%	
(c) Upon exchange of property from relative to relative within the third degree of kindred or from spouse to spouse or upon exchange of properties of equal market value, on the assessed value of the property transferred to each transferee	4%	

INDEX OF FEES AND CHARGES (continue)

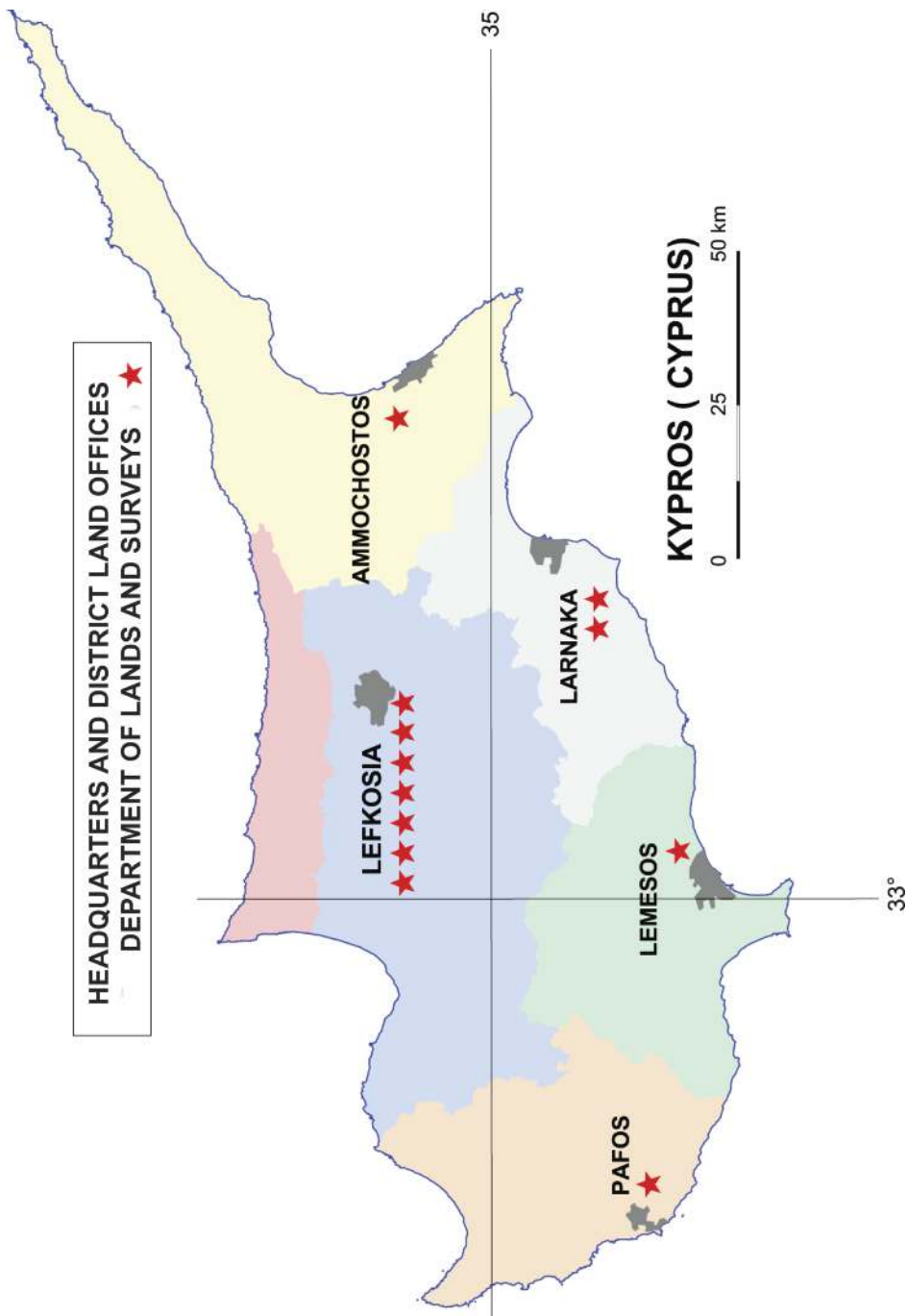
<p>(d) Upon sale, other than by parent to child and upon gift from relative to relative other than within the third degree of kindred, on the sale price or on the market value of the property transferred:</p> <ul style="list-style-type: none"> - for every euro up to €85,430,07 3% - for every euro exceeding €85,430,07 but not exceeding €170.860,14 5% - for every euro exceeding €170.860,14 8% 		
<p>Note: <i>Where in the opinion of the Director, the declared sale price is below the market value (as at the date of the agreement), such market value, on which the fees are payable, shall be determined by the Director of the Department of Lands & Surveys.</i></p> <p><i>If the transferee does not agree with the decision of the Director regarding the determination of the market value, he/she has to nevertheless pay the fees as assessed on that value and to declare in writing his/her objection/disagreement. In this case, a local enquiry and valuation of the property takes place and the decision is notified to the interested person. The valuation must take place within three (3) months from the date of the transfer. The transferee is entitled to apply to the Supreme Court to contest the Director's decision.</i></p>		
<p>(e) Upon exchange of properties other than from relative to relative within the third degree of kindred and upon exchange of properties, the market values of which are not equal. Each transferee shall pay fees on the assessed value of the property with the lowest market value, whereas the person acquiring the property with the highest market value shall pay fees on the difference of the market value between the two properties as in (d) above.</p>		
<p>MORTGAGES</p>		
<p>Registration of mortgage</p>		
<p>(a) On the amount advanced under the mortgage 1%</p> <p>1. Provided that, where an existing mortgage is cancelled and on the same day a new mortgage is declared by the mortgagor in relation to the same property, for the same purpose either with the same or another mortgagee, the fees payable shall be the lower of the following two amounts:</p> <ul style="list-style-type: none"> - Either 1% on the amount advanced under the mortgage or €200, whichever is less, plus 1% on the difference between the amount advanced under the previous mortgage and the amount advanced under the new mortgage, if the amount advanced under the new mortgage is greater than the amount advanced under the existing mortgage, which is cancelled. 		

INDEX OF FEES AND CHARGES (continue)

<ul style="list-style-type: none"> - Where an existing mortgage is cancelled and on the same day, the mortgagor declares a new mortgage on the same property, for the same purpose, with the same mortgagee and the amount advanced under the new mortgage is the same or less than the amount advanced under the mortgage that is cancelled, the fees payable are: 	€	50,00
<p>2. It is provided that when an existing mortgage is cancelled and on the same day, the mortgagor declares a new mortgage on another property that is registered in his/her name, with the same mortgagee, then the fees that are payable are the following:</p> <ul style="list-style-type: none"> - Either 0,25% on the amount advanced under the new mortgage, or €200, whichever of the two amounts is less, plus 1% on the difference between the amount advanced under the new mortgage and the amount advanced under the previous mortgage, if the amount advanced under the new mortgage is greater. 		
<p>(b) Additional fees for the issue of two certificates of registration of mortgage</p>		0,85
<h3>TRANSFER OF MORTGAGE</h3> <p>(a) On the amount of the outstanding debt:</p> <p>(i) Upon transfer by parent to the child: either 0,5% on the amount of the mortgage, or €500, whichever is the lower of the two amounts.</p> <p>(ii) In any other case</p> <p>(b) Additional fees for certificate of registration of mortgage</p>		
	1%	0,43
<h3>ENCUMBRANCES AND PROHIBITIONS</h3> <p>(a) For acceptance of documents that create an encumbrance/charge on immovable property (registration of memo, interim order, deposit of contract of sale etc)</p> <p>(b) For the issue of a certificate of registration of charge</p> <p>(c) For the acceptance of documents for prolongation of the period of registration of memorandum</p>		
		1,71
		0,43
		0,85
<h3>FORCED SALE BY PUBLIC AUCTION</h3> <p>(a) For the acceptance of the application for the sale of immovable property</p> <p>(b) For the acceptance of documents authorizing the sale of immovable property</p>		
		0,68
		0,43

INDEX OF FEES AND CHARGES (continue)

		€
(c) For preparing notices of sale:		
(i) Where the assessed value of the property to be sold does not exceed €170,86		0,51
(ii) For every additional €170,86 or part of it, provided that the total fee does not exceed €3,42		0,26
(d) For the distribution of the proceeds of sale		0,43
(e) For preparing a final account		0,26
(f) For issuing a copy of the final account		0,17
LEASES		
Registration of lease or sublease		
(a) Upon lease or sublease by parent to child or by child to parent or from spouse to spouse or from relative to relative within the third (3rd) degree of kindred, on the market value of the lease with minimum fees €8,54	0,5%	
(b) In all other cases, on the market value of the lease with the minimum fees €17,09	5%	
(c) Fees for certificate of registration of lease		3,42
Transfer of lease/sublease		
(a) Upon gift or sale by parent to child or by child to parent or from spouse to spouse or from relative to relative within the third (3rd) degree of kindred		8,54
(b) Upon sale or gift from relative to relative other than within the third degree of kindred or between non relatives, on the market value of the lease: On the market value of the encumbrance	5%	
(c) In addition in all cases of registration of a lease or sublease or transfer of encumbrance fees are paid for the issuance of a registration certificate (title): Fees for certificate of registration of lease		3,42
Notes: - Fees are levied at the date of the deposit of the application for registration of a lease or sublease or at the date of acceptance of a transfer of lease. The market value of the lease is determined by the Director of the Department of Lands & Surveys.		
- The lessee, sub-lessee or transferee of the lease is entitled to dispute the value determined by the Director. In such a case, valuation takes place after a local enquiry and the result of the valuation is notified to the interested person, the latest in three (3) months from the date of the deposit of the application for the registration of the lease or the acceptance of the declaration of transfer. The interested person is entitled to contest the Director's decision at the Supreme Court of Cyprus.		



SAMPLE OF REGISTRATION CERTIFICATE

ΑΝΤΙΓΡΑΦΟ ΤΙΤΛΟΥ ΠΟΥ ΕΚΔΟΘΗΚΕ
ΔΥΝΑΜΕΙ ΑΠΟΦΑΣΕΩΣ ΑΤ. 10496/09

Επαρχία : 1 ΛΕΥΚΩΣΙΑ
Δήμος/Κοινότητα : 013 ΔΗΜΟΣ ΑΓΛΑΝΤΖΙΑΣ
Ενορία : 00
Τοποθεσία :
Διεύθυνση : ΚΟΥΡΙΟΥ, 5
Εκταση : Δεκάρια : 0 Τετρ. Μέτρα : 326
Εύνορα : Όπως φαίνονται στο επίσημο Κτηματικό σχέδιο

Αριθμός Εγγραφής
2/4211

Αναφορά Κτηματικού
Σχεδίου

Φύλλο : 21
Σχέδιο : 64W2
Τμήμα : 2
Τεμάχιο : 3795
Κλίμακα : 1:2500

ΣΤΟΙΧΕΙΑ ΙΔΙΟΚΤΗΤΗ ΚΑΙ ΣΥΜΦΕΡΟΝ

Διακριτικός Αριθμός	Όνομα και Διεύθυνση	Μερίδιο
		1/2

Ημερομηνία Εγγραφής : 23/09/1985

Αριθμός Φακέλου : 1/Π/7295/1985

ΠΕΡΙΓΡΑΦΗ ΑΚΙΝΗΤΗΣ ΙΔΙΟΚΤΗΣΙΑΣ

ΙΣΟΓΕΙΑ ΚΑΤΟΙΚΙΑ

Αγοραία Αξία σε τιμές 01/01/1980 : €28.533,64

Εκτιμημένη Αξία : €640,73

ΣΗΜΕΙΩΣΕΙΣ

ΔΙΚΑΙΩΜΑΤΑ / ΔΟΥΛΕΙΕΣ



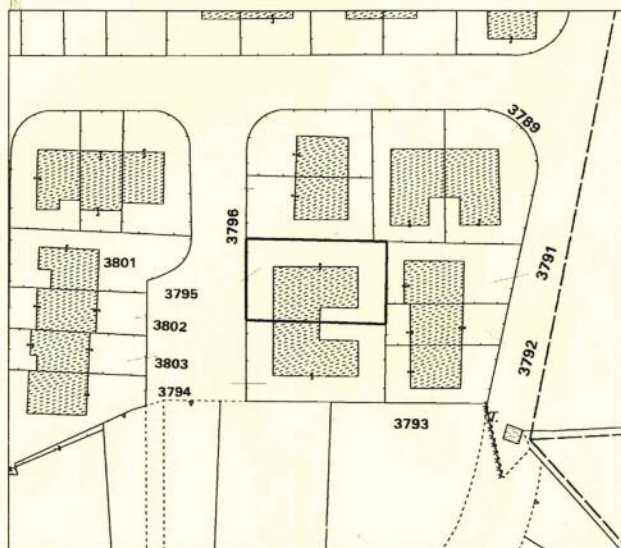
ΓΙΟΥΛΙΑ ΑΥΤΟΠΟΥ

(.....)

Ημερομηνία Έκδοσης:

20/11/2009

Για Διευθυντή Τμήματος Κτηματολογίου και Χορομετρίας.



Βλέπετε τις σημειώσεις στην τελευταία σελίδα.

CILIS – (CYPRUS INTEGRATED LAND INFORMATION SYSTEM)

NEW STRATEGY – “e-CILIS”

