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# OVERLAPPING MUNICIPALITIES ORDINANCE 2011

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*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Overlapping Municipalities Ordinance	20/2011	05/12/2011
Waste Ordinance 2010	10/2015	03/08/2015
Immigration Ordinance 2020	34/2020	12/10/2020
Building Standards (Adoption) Ordinance 2022	11/2022	16/05/2022

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# OVERLAPPING MUNICIPALITIES ORDINANCE 2011

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An Ordinance to provide for the administration of overlapping

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

## PART 1

### Preliminary

#### Short title

1. This Ordinance may be cited as the Overlapping Municipalities Ordinance 2011.

#### Commencement

2. This Ordinance comes into force on 5 December 2011.

#### Interpretation

- 3.—(1) In this Ordinance—

“authorised person” means a person authorised by a council;

“building” means any construction of stone, concrete, earth, iron, wood or other material and includes any foundation, wall, roof, chimney, veranda, balcony, cornice, or projection or part of a building or anything attached to such a building or any wall, dike, fence, enclosure, or other construction enclosing or demarcating or for the purpose of enclosing or demarcating any land or space;

“council” means the council of any overlapping municipality recognised by this Ordinance and includes a municipal committee appointed in accordance with the corresponding Republican Law;

“councillor” means the mayor and any member of the council elected or appointed in accordance with the corresponding Republican Law;

“Cyprus Union of Municipalities” means the organisation established under section 7B of the corresponding Republican Law;

“corresponding Republican Law” means the Municipalities Laws of 1985 to 2011(a);

“Chief Fire Officer” has the same meaning as in the Fire Service Ordinance 2010(b);

“immovable property” has the same meaning as in the Immovable Property (Tenure, Registration and Valuation) Ordinance(c);

“local administrative authority” means a council, improvement board or area council;

“municipal fund” means the fund established under section 68 of the corresponding Republican Law;

“municipality” means a municipality established under the corresponding Republican Law;

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(a) Law 111/1985, Laws of Cyprus

(b) Ordinance 4/2010

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

“overlapping community” has the same meaning as in the Overlapping Communities Ordinance 2001(a);

“overlapping municipality” means any municipality in the Republic the administrative boundaries of which extend into the Areas;

“securities” includes bills, bonds and other kinds of securities;

“street” includes any square, street, path for the passage of animals, paths, cul de sacs, pedestrian route, pavement or public place; and

“2006 Ordinance” means the Motor Vehicle and Road Traffic (Consolidation) Ordinance 2006(b).

(2) Nothing in this Ordinance extends its application beyond the Areas.

### **Municipalities to have legal personality**

4.—(1) A municipality has legal personality.

(2) A municipality may sue and may be sued in its name.

(3) An overlapping municipality is to have the name ““A” Municipality”, where “A” is the name of the municipality.

(4) If the name of a municipality is changed in accordance with section 7A of the corresponding Republican Law that change does not—

- (a) affect the rights or obligations of any person, including the municipality in question; and
- (b) impede any legal proceedings, which may be carried on as if there had been no change of name.

(5) An overlapping municipality may appear before a court in any proceedings by the mayor or by the municipal secretary or by an officer or councillor authorised generally or in respect of particular proceedings by the council.

(6) The service of any summons, order or other proceedings on a mayor is deemed to be effective service on the overlapping municipality concerned.

(7) A court in the Areas does not have jurisdiction to consider the lawfulness of the election or appointment of a councillor whether or not the election took place wholly or partly within the Areas.

### **Overlapping municipality to exercise powers and functions**

5. The council or any other body or authority provided for in the corresponding Republican Law may exercise such powers and functions within the boundaries of the overlapping municipality as are provided for in this Ordinance.

### **Citizens of an overlapping municipality and their rights and obligations**

6.—(1) A citizen of the Republic or of a member state of the European Union who usually resides in the Areas within an overlapping municipality is a citizen of that municipality.

(2) A legitimate child of a citizen of an overlapping municipality is a citizen of the overlapping municipality of the child’s father and an illegitimate child is a citizen of the overlapping municipality of the child’s mother.

(3) A legitimate child of parents of unknown nationality is a citizen of the overlapping municipality in which the child is born.

(4) An illegitimate child who becomes legitimate becomes, from the date of becoming legitimate, a citizen of the father’s overlapping municipality.

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(a) Ordinance 27/2001

(b) Ordinance 5/2006

(5) An adopted child becomes, from the date of adoption, a citizen of the overlapping municipality of the person who adopted the child.

(6) A person ceases to be a citizen of an overlapping municipality on becoming a citizen of another municipality, community or improvement area.

(7) Nothing in this section affects the operation of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960(a) or the *Immigration Ordinance 2020 (b)*

(8) A citizen of an overlapping municipality is to enjoy all of the rights and be subject to all of the obligations provided for in the corresponding Republican Law as if that person resided in the Republic in the municipality concerned.

### **Municipal boundaries**

7. The Administrator may by order published in the Gazette define or alter the boundaries of any overlapping municipality.

### **Register of citizens**

8. The names of the citizens of an overlapping municipality may be entered in the register kept under section 10 of the corresponding Republican Law.

## **PART 2**

### **Administration of overlapping municipalities**

#### **Transition from community to municipality**

9.—(1) If an overlapping community becomes a municipality in accordance with the corresponding Republican Law (whether before or after this Ordinance comes into force)—

- (a) all of the assets and liabilities of the council of the overlapping community vest in the overlapping municipality without further transfer or conveyance;
- (b) bye-laws made under the Overlapping Communities Ordinance 2001 are to remaining force until amended or revoked by new bye-laws made under this Ordinance and apply as if made as regulations or bye-laws under section 21 or 22;
- (c) a fixed penalty may be issued for contravention of bye-laws referred to in paragraph (b) in accordance with the Fixed Penalty Ordinance 2010(c).
- (d) subject to subsection (2), any reference to an “overlapping community”, a “local administration authority” or a “local administrative authority” in any legislation in force at the time of the making of this Ordinance is to be construed as including a reference to an overlapping municipality.

(2) Paragraph (d) of subsection (1) does not apply to references to overlapping communities in the Overlapping Communities Ordinance 2001.

#### **Ownership of property by a municipality**

10.—(1) Immovable property belonging to an overlapping municipality which is required under any legislation in force or under any custom to be registered is to be registered in the name of the municipality.

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(a) Ordinance 5/1960

(b) Ordinance 34/2020 – came into force on 12 October 2020

(c) Ordinance 25/2010

(2) Any act in relation to the registration of immovable property required to be carried out in the name of an overlapping municipality is to be carried out by the mayor or by a person authorised in writing by the mayor.

(3) A notice in writing signed by the mayor and stating an address for service on the overlapping municipality must be submitted to the Chief Officer with any application for registration of property under this Ordinance.

(4) Service of any documents or notices on the address provided under subsection (3) is sufficient service on the overlapping municipality for purposes connected with the registration of that property.

(5) The Chief Officer may affect the registration of immovable property possessed on account of an overlapping municipality in the name of the municipality on submission of—

- (a) an application for registration in the name of the overlapping municipality; and
- (b) a certificate issued by the mayor of the overlapping municipality certifying that the property is the property of the municipality possessed in the name of the municipality.

(6) The council may sell or exchange any movable property owned by the overlapping municipality.

(7) The council may, with the approval of the Chief Officer, sell or exchange immovable property owned by the overlapping municipality.

(8) The council may, with the approval of the Chief Officer, create rights of leases and privileges over immovable property owned by the overlapping municipality or may lease immovable property for a term exceeding 10 years.

(9) The council may—

- (a) improve or use in any manner movable or immovable property owned by the overlapping municipality;
- (b) establish public undertakings; and
- (c) invest the capital of the overlapping municipality not directly required to be kept as securities issued by the Republic in the carrying out of its functions.

## **Contracts**

**11.**—(1) A contract may be entered into by an overlapping municipality in accordance with this section.

(2) A contract by or in the name of an overlapping municipality may be in writing, signed by the mayor and 2 councillors authorised for this purpose and bearing the seal of the municipality.

(3) A contract for the ordinary conduct of the business of the overlapping municipality may, subject to the Contract Ordinance<sup>(a)</sup>, be entered into, amended or cancelled by the mayor of the municipality either in writing or orally.

(4) The Chief Officer is to approve any contract which has a duration exceeding 5 years.

(5) A contract entered into in accordance with this section is binding on the overlapping municipality and on the other contracting parties.

(6) Subject to section 10, the council may, on behalf of the municipality—

- (a) lease any movable or immovable property to and from other persons;
- (b) lend or borrow money;
- (c) receive any legacy, bequest or donation.

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(a) Cap 149, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

## PART 3

### Finance

#### Power of overlapping municipality to impose a fee on immovable property

**12.—**(1) The council may charge a tax, known as the “municipal fee on immovable property”, of 0.0015 percent of the value of any immovable property within the municipal boundaries of that municipality.

(2) For the purpose of subsection (1) the value of immovable property is the value set by the general valuation conducted under section 69 of the Immovable Property (Tenure, Registration and Valuation) Ordinance<sup>(a)</sup>.

(3) The municipal fee on immovable property is to be paid into the municipal fund.

#### Exemptions

**13.—**(1) A municipal fee on immovable property may not be collected in respect of—

- (a) any public burial place;
- (b) any church, chapel, mosque, assembly house or building or part of an assembly house or building which is used exclusively for the exercise of public worship;
- (c) any premises used as a public hospital;
- (d) any building declared as an ancient monument under the Antiquities Ordinance<sup>(b)</sup>;
- (e) any immovable property used as a public school;
- (f) any immovable property possessed or used for the purpose of a benevolent institution of a public nature which is supported mainly by donations or voluntary contributions (a “benevolent use”);
- (g) any immovable property belonging to the Crown, the Republic or a municipality;
- (h) any immovable property belonging to an athletic union and consisting of playing grounds, sports installations or buildings used by the athletic union;
- (i) any immovable property registered as a common grazing place;
- (j) any immovable property registered or by custom designated for common use by a community.

(2) If any immovable property is held partly for a benevolent use and partly for some other purpose, a municipal fee on immovable property may be collected in respect of that other use (unless that other use is one of the uses listed in subsection (1)).

#### Collection of municipal fess on immovable property

**14.—**(1) A municipal fee on immovable property is payable by the proprietor or the person entered in the register of the district land registry as the proprietor of the immovable property in question and subject to paragraph (2), is collected by the council of that overlapping municipality.

(2) The council may request the Chief Officer to collect the municipal fee on immovable property in the same manner as any taxes under the Tax Collection Ordinance 1964<sup>(c)</sup>.

(3) The Chief Officer may, following a request under subsection (2) collect the municipal fee on immovable property and pay the proceeds to the municipal fund in question after deducting any expenses associated with the collection.

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(a) Section 69 was amended by Ordinance 1/1985

(b) Ordinance 12/1975

(c) Ordinance 8/1964



### **Date when municipal fees on immovable property payable etc.**

**15.**—(1) A municipal fee on immovable property is payable on the date specified by the council in the year on which the fee is imposed.

(2) If, for any reason, a municipal fee on immovable property is not collected from the proprietor of the property, the fee may instead be paid by the person in possession of the property.

(3) A person in possession of immovable property who has paid the municipal fee on immovable property in accordance with subsection (2) is to be reimbursed by the proprietor or may deduct the amount of the fee from any payment due under a lease after the date of payment.

(4) If a municipal fee on immovable property is not paid by the date specified by the council within the year in respect of which it was imposed, an amount equal to the amount specified in section 78(2) of the corresponding Republican Law is to be added to the fee.

(5) A proprietor of immovable property who fails to pay the municipal fee on immovable property within 30 days of the date specified by the council is guilty of an offence and liable on conviction to a fine of €341.

### **Disapplication of sections 12 to 15**

**16.** The Administrator may, by regulations published in the Gazette, specify circumstances in which sections 12 to 15 are not to apply in relation to certain areas lying within the boundaries of an overlapping municipality.

## **PART 4**

### **Functions of overlapping municipalities**

#### **General function of overlapping municipalities**

**17.** An overlapping municipality is responsible for the administration of local affairs within its boundaries and any powers lawfully allocated to the municipality are to be exercised by the council and the mayor in accordance with this Ordinance.

#### **Functions of the council**

**18.**—(1) The council is to discharge within its financial capabilities, the following functions—

- (a) to provide for the construction, maintenance and operation of irrigation systems within the overlapping municipality and for the supply of a satisfactory and adequate amount of water for irrigation within the overlapping municipality if there is no municipal irrigation system in operation under any other Ordinance;
- (b) to provide for the construction, maintenance and operation of drainage systems for storm water;
- (c) to provide for the construction, maintenance, cleanliness, lighting and free use of roads and bridges, to control the construction, conversion, closing or diversion of any roads and bridges and to prevent the obstruction of any road or bridge;
- (d) to name all roads by placing signs at conspicuous places on such roads and to number all premises on such roads;
- (e) to—
  - (i) provide for the cleanliness and hygiene of the overlapping municipality by collecting, disposing and processing refuse;
  - (ii) control and prevent the concentration of refuse in any public or private place;
  - (iii) supply and keep in a sanitary condition public refuse bins or other receptacles or places for the temporary placing and collection of refuse;

- (iv) provide for any measure required to be taken to eliminate and remove any dirt or refuse and to reduce any nuisance;
- (f) to protect and promote the good image of the overlapping municipality, protect its natural environment and provide for measures to be taken or construction of any necessary or useful works for fulfilling that purpose;
- (g) to—
  - (i) provide for and control public health, the hygiene of foodstuff and beverages intended for human consumption, the cleanliness and hygiene of premises where such foodstuffs or beverages are prepared, sold, placed for sale or consumed and of the appliances, machines, tools, objects or things found in such premises or places;
  - (ii) ensure the confiscation or destruction or disposal of any foodstuff or beverages if they are considered harmful to public health or capable of contributing to the spread of any contagious disease;
  - (iii) take all measures required for the time being to ensure and protect public health;
- (h) to—
  - (i) create, either within or outside the boundaries of the overlapping municipality, burial grounds;
  - (ii) check the dimensions of burial plots and determine the criteria on which the price of burial plots are to be fixed;
  - (iii) ensure, in connection with the relevant religious authorities, the maintenance and functioning of the burial grounds and the monitoring of funerals;
- (i) to control, restrict or prohibit the exercise of any occupation, business or work on or near any road in a manner that may affect the amenity of the area or cause a nuisance;
- (j) to construct, maintain and operate public lavatories and other hygiene establishments, to maintain those places in a hygienic condition and to regulate charges for use;
- (k) to monitor and control bakeries;
- (l) to regulate and prohibit the maintenance, breeding or keeping of any animals or birds;
- (m) to—
  - (i) establish, maintain and operate rest-homes, charitable and benevolent centres and charitable and benevolent schemes and other centres and schemes to provide social, health, paramedical services, and medical treatment to poor or disabled persons;
  - (ii) construct, maintain, and operate public residences in accordance with conditions that the council may set from time to time;
- (n) to regulate, control, restrict or prohibit any occupation, business, profession or work which may be harmful to public health, a source of public risk or nuisance for persons residing in the area or, if considered expedient, in the public interest;
- (o) to regulate, control, restrict or prohibit the passage of any animals from or on any road;
- (p) to regulate, control, restrict or prohibit the operation of any theatres, premises or places where public shows are presented and to grant licences for the use of such theatres, premises or places;
- (q) to—
  - (i) grant or issue the licences provided for under this Ordinance;
  - (ii) subject to this Ordinance, impose on such licences any terms or restrictions that the council considers necessary;
  - (iii) suspend or cancel such a licence if the council considers it expedient to do so.

(2) In exercising its function under subsection (1)(e) the council may determine the fees to be paid for the collection of refuse, such fees not to exceed the amount specified in the corresponding Republican Law.

(3) Unless the context otherwise requires, the functions in paragraph (1) are to be discharged within the boundaries of the overlapping municipality.

### **Powers of the council**

**19.**—(1) Subject to this Ordinance, with the approval of the Chief Officer and subject to such terms that the Chief Officer may specify, the council may from time to time—

- (a) borrow money in accordance with the corresponding Republican Law for the carrying out of any works of public utility and for the purchase of any plant, machinery or vehicles;
- (b) with the approval of the Chief Officer, secure any money borrowed in accordance with paragraph (a) by securing it on immovable property owned by the overlapping municipality; and
- (c) with the approval of the Chief Officer, issue securities in relation to any loan arranged in accordance with paragraph (a).

(2) The amounts required to pay the interest, any expenses incurred in borrowing money and to repay the capital borrowed by the council are to be taken from the income and assets of the overlapping municipality.

(3) Subject to this Ordinance, the council may—

- (a) borrow money in accordance with the corresponding Republican Law;
- (b) acquire by private contract any immovable property or any part of such immovable property within or outside the municipal boundaries for any purpose of public utility under this or any other Ordinance;
- (c) request the Administrator to exercise the powers under the Land Acquisition Ordinance<sup>(a)</sup> so as to acquire any immovable property or any part of such immovable property on behalf of the council within or outside the municipal boundaries for any undertaking of public utility;
- (d) enter into any arrangement, contract or indemnity with the Administrator as a condition of the Administrator exercising the powers under the Land Acquisition Ordinance on behalf of the council to acquire any immovable property;
- (e) provide for the establishment and operation of public markets and for the fees and rent for the use of these markets and prohibit hawkers within markets;
- (f) provide for the establishment and operation of a municipal radio station;
- (g) subject to the approval of the Administrator, specify workshop areas and regulate any matters concerning the administration, control and operation of such areas;
- (h) provide for special places where animals and perishable goods may be sold;
- (i) provide, create, plan, plant, improve, maintain and regulate parks, sports grounds, swimming pools, entertainment centres, amusement centres, youth clubs, places of recreation or entertainment for use by the public and any other amenities and contribute to the establishment or maintenance expense of any such private places of entertainment or recreation intended for use by the public;
- (j) plant within the municipality trees in any street or public place and erect tree guards;
- (k) other than in respect of the matters in the Sea Bathers (Protection) (Consolidation) Ordinance 1986<sup>(b)</sup>, regulate swimming in the sea and construct and maintain such works and amenities which in the opinion of the council are necessary or desirable for the safety and convenience of persons who use the beach;

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(a) Cap 226, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

(b) Ordinance 4/1986

- (l) regulate the use and operation of swimming pools not administered by the municipality (other than swimming pools not intended for public use and for the use of which no charge is payable) so as to—
    - (i) ensure that the water in such pools is clean and that any foreign substances which might cause harm to the health of bathers have been removed;
    - (ii) ensure that installations in or for such pools are sufficient and clean;
    - (iii) regulate the behaviour of persons who use such pools; and
    - (iv) ensure the safety of bathers;
  - (m) in relation to public shows—
    - (i) impose a fee on all payments made by any person and collected for the entrance of any person to a public show;
    - (ii) ensure that no person may gain access to a public show on payment unless that person is in possession of a stamped or marked ticket to show that the fee has been paid;
    - (iii) determine the manner in which the fee is to be collected and paid;
    - (iv) exempt from payment of a fee or to refund the whole or part of a fee in cases where collections from a public show are intended for benevolent or educational purposes or for sports promotion;
  - (n) organise, encourage and promote cultural, artistic, spiritual, educational, athletic and similar activities or events including establishing and operating theatres, museums, libraries, orchestras, choirs, sporting establishments, art galleries, and music organisations, and making awards to persons, unions, or institutions distinguished in such activities or events;
  - (o) in accordance with the corresponding Republican Law, grant gratuities or pensions to employees and workers of the municipality and to their dependants and establish a pension fund;
  - (p) in accordance with the corresponding Republican Law, contribute to provident funds or similar funds or schemes established or constituted for the benefit of the employees or workers of the overlapping municipality and to determine the contributions for the time being of the overlapping municipality to such funds or schemes;
  - (q) in accordance with the corresponding Republican Law write off any arrears of income that are not recoverable;
  - (r) join and participate in the activities of the Cyprus Union of Municipalities;
  - (s) in accordance with the corresponding Republican Law, conclude contracts of insurance with regard to workers or employees in the service of the overlapping municipality against accidents or death and pay from the municipal fund all premiums for such insurance contracts;
  - (t) perform such functions as may be conferred on or delegated to the municipality by any legislation in force from time to time.
- (4) In this section a “public show” means a theatrical, cinematic, dance, artistic or other performance or show or any kind of entertainment offered in any place accessed by the public, whether or not an entrance fee is charged.
- (5) The council may, with the approval of the Chief Officer, establish or participate in companies engaged in the use of immovable property belonging to the overlapping municipality.
- (6) Unless the context otherwise requires, the powers in subsection (3) are to be exercised within the municipal boundary of the overlapping municipality.

### **Contracts for carrying on public utility projects**

**20.—**(1) The council may conclude a contract with another local administrative authority or other authorities for carrying out a public utility project which will be of benefit to the residents of

another administrative authority or for providing services jointly by more than one administrative authority which were previously carried out separately.

(2) A contract referred to in subsection (1) must include—

- (a) the participation percentage of each local administrative authority involved in funding the overall costs incurred in the public utility project to be carried out;
- (b) the requirement of each such local administrative authority to operate and maintain such project;
- (c) the percentage division for each local administrative authority in any proceeds or collections from the functioning of the project;
- (d) the availability within each local administrative authority of personnel, equipment and other facilities required for carrying out, operating and maintaining a public utility project or for jointly providing services.

(3) In this section—

- (a) “public utility project” includes the construction of theatres, parks, swimming pools, places for recreation and entertainment, premises for carrying out cultural activities and creating spaces for depositing and processing refuse or waste which serves or is to the benefit of the residents of the local administrative authorities concerned and any other project which the Chief Officer may from time to time determine constitutes a public utility project;
- (b) “services” includes the collection of refuse, construction and maintenance of roads and any other projects which the overlapping municipality may from time to time determine.

### **Municipal regulations**

**21.**—(1) The council may, with the approval of the Chief Officer, make, amend or revoke municipal regulations for any or all of the following purposes—

- (a) to assist the council in performing any of its functions under section 18 and to ensure the fixing and payment of any charges, fees or encumbrances in relation to such functions;
- (b) to assist the council with implementing section 19 and to ensure the fixing and payment of any charges, fees or encumbrances in relation to such charges;
- (c) to regulate and control the issuing of permits which the council has the power to issue under this Ordinance and to determine the charges payable for any such permit;
- (d) to regulate the weighing, measuring and testing of goods, to determine the charges payable in relation to any such weighing, measuring and testing and to control the collection of fees payable under section 51.

(2) The approval of the Chief Officer is not required in respect of municipal regulations providing for the fixing of fees and charges.

(3) A person who breaches a municipal regulation for which no penalty is provided is guilty of an offence and is liable on conviction to a fine of €170 and a court may order that any goods in respect of which an offence has been committed are forfeited for the benefit of the overlapping municipality.

### **Regulation of traffic**

**22.**—(1) A council may, with the agreement of the Chief Constable and the Chief Officer, make bye-laws which apply within the boundaries of the overlapping municipality, to regulate and control traffic in any street, which may include power—

- (a) to fix places where vehicles may stand when not actually in motion and fix the number and types of vehicles which may be permitted to stand at such places and regulate any matter in connection with fixing such places;
- (b) to fix streets or places where vehicles may park, to provide for installing parking meters on such streets or places, as well as regulating parking on them, to prescribe the fees

payable for using such places and approving the fixing of fees for the parking of vehicles on private parking places;

- (c) to prohibit or restrict any kind of traffic other than pedestrians;
- (d) to regulate and fix pedestrian and school crossings on public streets;
- (e) to declare any street or part thereof as a one-way traffic street for vehicles and animals or to abolish any one-way traffic street;
- (f) to regulate the movement of pedestrians and of persons riding a bicycle, a motor cycle or auto cycle or pushing a bicycle or motor cycle or pushing perambulators or hand driven vehicles and the movement of any animals whether ridden or not;
- (g) to erect, exhibit, place or paint signs for the regulation of traffic and to prevent the erection, exhibition, placing or painting in the proximity of any such signs of any other sign or other thing;
- (h) to regulate the removal of any vehicle which is unlawfully or dangerously parked or abandoned on a street or in a manner which obstructs traffic;
- (i) to require persons to give information to a police officer or other authorised person regarding any accident in any street involving a vehicle;
- (j) to make arrangements—
  - (i) for supervising school crossings and for regulating traffic at those crossings;
  - (ii) to authorise suitable persons wearing a uniform prescribed by the council and approved by the Chief Constable to give signals to drivers of vehicles near a school crossing requiring those drivers to stop their vehicles; and
  - (iii) to generally to regulate any matter related to the crossing of streets by students; and
- (k) to prohibit the obstruction or interference in the use of any street.

(2) Signs for the regulation of traffic which are erected, exhibited, placed or painted by the council in accordance with paragraph (1)(g) are to be similar to those provided by the 2006 Ordinance and the regulations made under that Ordinance.

(3) A person who contravenes any bye-law made under this section commits an offence and is liable on conviction to imprisonment for 6 months or to a fine of €768 or to both penalties and the Court trying the case may order that the driving licence of the person convicted in relation to any vehicle connected with the commission of the offence is cancelled or suspended for such period while it is in force as the Court may deem fit.

(4) If an act or omission constitutes an offence under any bye-laws made under this section and also under any regulations made under the 2006 Ordinance, the offender is liable to be prosecuted and punished either under such bye-laws or under such regulations but may not be punished twice for the same offence.

(5) For the purposes of this section—

- (a) “motor vehicle” means any mechanically propelled vehicle or any trailer drawn thereby and has the meaning assigned to this expression by the 2006 Ordinance and includes an auto cycle, motor lorry, bus, any vehicle propelled by electric power or propelled on caterpillar tracks as defined in the 2006 Ordinance but does not include vehicles constructed exclusively for use on rails;
- (b) “parking place” means any place where motor vehicles may park in accordance with the arrangements made by the council;
- (c) “school crossing” means a pedestrian crossing intended for the use of students on their way to and from an educational establishment;
- (d) “traffic” includes bicycles, tricycles, motor vehicles, vehicles of every description, pedestrians and animals being ridden, driven or led.

### **Power of the council to monitor road excavation and hazardous buildings**

**23.**—(1) Without prejudice to a requirement contained in any other Ordinance, a person must not within the boundaries of an overlapping municipality, without a permit in writing from the council—

- (a) excavate, open up or in any way interfere with any road or place;
- (b) keep on or under any road a water pipe or any other pipe, conduit, cable or other items, things or materials of any kind; or
- (c) open up a sewer, manhole or absorption pit.

(2) Any expense incurred in lifting any manholes, moving or setting underground networks, or moving any equipment belonging to a public utility authority or a communications provider due to road improvement works within the boundary of any overlapping municipality is to be borne by the public utility authority or communications provider who owns the network, manhole or equipment concerned.

(3) If the council grants a permit under subsection (1) the council may impose conditions on the permit as follows—

- (a) the starting time for carrying out the work and the period of time for carrying out and completing the work;
  - (b) the manner in which the work is to be carried out;
  - (c) the measures to be taken by the applicant before, during and after carrying out the work for which the permit has been issued to ensure the safety of passers-by and the unobstructed use of the road;
  - (d) the materials to be used by the applicant for the construction of such work;
  - (e) the amount of any payment to be made to the council for the time being to reimburse it for all expenses incurred by the council so as to repair and restore the affected road to its former condition;
  - (f) the provision of any bank guarantee or other security which the council may require to indemnify the council in respect of any liability which it may incur to a third party for loss or damage (direct or indirect) sustained by that third party as a consequence of the carrying out of the work by the applicant for which a permit was issued;
  - (g) the carrying out of any other act or refraining from carrying out any act specified by the council so as to protect the affected road or the safety and convenience of those using it.
- (4) A person commits an offence and is liable on conviction to a fine of €340 if that person—
- (a) contravenes subsection (1); or
  - (b) breaches any conditions to which a permit is subject under subsection (3).

### **Power of the council to deal with hazardous buildings**

**24.**—(1) If the council is satisfied that any building, whether or not occupied, within the boundaries of the municipality, is in such a condition as to be dangerous to persons residing in the building or in adjoining buildings or to any passers-by or to any adjoining building and that steps must be taken to remove such danger, the council may—

- (a) by notice in writing served on the owner, require the owner, within a period specified in the notice, which must not be less than three days from service of the notice (the “prescribed period”), to repair, remove, protect or enclose the building and generally take such steps to be specified in the notice which, in the opinion of the council would adequately remove any danger arising from that building; and
- (b) if, after service of the notice on the owner, the owner does not comply within the prescribed period with the requirements of the notice, may cause such works as it considers necessary to be done for effecting such repair, removal, protection or enclosure or for carrying out the steps specified in the notice, and the expenses incurred by the

council in carrying out any works are payable by the owner and may be recovered as a civil debt.

(2) If a building is in such a condition that it is necessary for reasons of public safety to demolish, secure or repair a building or part of a building, the council may carry out such works on such building or part of a building which is in a dangerous condition without serving a notice on the owner.

(3) The costs incurred by the council for placing fencing or a notice and for carrying out works to the building in accordance with subsection (2) may be recovered as a civil debt.

(4) No action is to be taken under this section in respect of any building used or occupied as a dwelling house without an order of the court permitting entry into such building, and the taking of the proposed measures.

(5) An order under subsection (4) may be made in proceedings commenced by writ of summons.

(6) Any costs incurred in implementing this section are to be notified by a double registered letter to the registered owner of the plot on which the building is found or to the owner of the building or if the above persons may not be located, by fixing on the building such letter that will notify of the amount of costs and require payment to the municipal fund within 2 months from the date of the letter.

(7) Not less than 2 months from the date of the letter referred to in subsection (6), the council may register the amount of costs incurred as an encumbrance on the plot and no transfer of title or mortgage of such property may take place without payment of the registered amount together with interest calculated annually in accordance with the maximum permitted interest in the Republic for the time being.

(8) For the purposes of this section “owner” means the person who is registered or entitled to be registered as the owner of the building or plot, and if such person is not in occupation of the building or plot includes also the person in actual occupation of the building or plot, as well as the agent of the owner.

### **Meaning of “nuisance”**

**25.—**(1) For the purposes of this Ordinance the following are nuisances in respect of which action may be taken under this Ordinance—

- (a) any premises being in such a condition as to cause nuisance or be harmful to health;
- (b) any accumulation of water or a ditch, canal, water flow, lavatory, urinal, cess pit, sewer or incinerator which is so polluted or is in such a condition as to cause a nuisance or be harmful to health;
- (c) any animal or bird kept in such a condition as to cause nuisance or be harmful to health or cause damage to the amenity of the area or to be an unpleasant sight;
- (d) any plant, whether or not self-sown, any accumulation deposit, placing, keeping or storing of any item or thing in any public or private place that causes nuisance, is harmful to health, is an unpleasant sight or may damage the amenity of the area or may affect the safety of any person;
- (e) any residence being so overcrowded as to be harmful to those residing in it or to nearby residents or to cause damage to the amenity of the area;
- (f) any factory, workshop, place of work, work premises, furnace or place where animals are kept—
  - (i) of such a nature or in such a condition or constructed, operated, or maintained in such a manner as to be harmful to health or detrimental to the amenity of the area;
  - (ii) which is not kept in a clean condition;
  - (iii) which is not ventilated so as to make, so far as possible, harmless any gases, vapours, dust or dirt generated by the process of work carried out there, which causes a nuisance, is harmful to health or detrimental to the amenity of the area; or



- (iv) so overcrowded as to be dangerous or harmful to the health of those employed there or to the residents of the area or detrimental to the amenity of the area;
- (g) any chimney stack (not belonging to a private residence) which discharges an excessive amount of fumes so as to cause a nuisance, is harmful to health or detrimental to the amenity of the area;
- (h) any brothel which as a consequence of its location or manner of operation ought in the public interest to be closed or removed;
- (i) any roof, shade, gutter, pipe, duct, overflow, or other source which carries water in, on or near any road within the boundaries of the overlapping municipality in such a manner as to cause damage to the road or a nuisance to passers-by;
- (j) any unfinished façade, pathway or place attached to any building which is part of or near any road within the municipal boundaries;
- (k) any pavement, shade or similar structure which does not comply with any municipal regulations made under section 21, which relate to the construction or maintenance of pavements or pedestrian ways, shades or similar structures; or
- (l) any other thing, item, premises, act or failure to act which cause a nuisance under this Ordinance or under any municipal regulations made under section 21.

(2) No penalty is to be imposed on any person in respect of an accumulation or deposit which is necessary to complete any work or structure if the court is satisfied that the accumulation or deposit took place only for as long as necessary for the work or structure to be completed and that all means available were used to avert damage to public health and for the safety and amenity of the residents of the area.

#### **Notice to stop causing a nuisance**

**26.—**(1) If the council is satisfied that a nuisance exists it may serve (through the mayor or some other person appointed by the mayor) a notice on—

- (a) the person whose act, failure to act or tolerance causes or continues to cause a nuisance; or
- (b) if the person referred to in paragraph (a) cannot be found, the owner or person in possession of the premises where the nuisance is caused.

(2) The notice referred to in subsection (1) is to require the person to whom it is addressed to ensure that the nuisance is stopped within the time prescribed in the notice and to carry out any works or actions necessary for such a purpose.

(3) If immediate action is required in relation to a nuisance to protect public safety, health or the amenity of the area the mayor may take such action as is necessary and inform the council of the action taken as soon as possible.

(4) If a person who has caused a nuisance cannot be found, or if a nuisance is not caused by, or is not continued as a result of any act, omission or tolerance of the owner or person in possession of a building, the mayor may take such action as is necessary to end the nuisance.

#### **Disposal of abandoned vehicles or items**

**27.—**(1) If a motor vehicle remains abandoned on a public road, in an open public place or in a private place for more than 3 weeks the council may—

- (a) immobilise the vehicle and fix onto it a conspicuous self-adhesive notice describing the vehicle as abandoned and make it clear that the vehicle has come under the control of the council; and
- (b) serve a notice in accordance with section 67 on the owner, of the vehicle or if the vehicle is found on private land, to the registered owner of the land in question calling upon the owner of the vehicle or (as the case may be) the registered owner of the land to remove the vehicle within 4 weeks from the date of the notice.

(2) If the person to whom a notice under subsection (1) is addressed fails to remove the motor vehicle within 4 weeks—

- (a) if it is lawful for the vehicle to be driven on the road, the council may sell the vehicle at public auction or by public tender and the proceeds of sale are to be used to defray the expenses of the overlapping municipality and any amount remaining is to be paid into the municipal fund; or
- (b) if it is not lawful for the vehicle to be driven on the road, the vehicle is to be disposed of lawfully by the council.

(3) If any item (other than a vehicle) remains abandoned on a public road, in an open public place or in a private place for more than 3 weeks the council may—

- (a) fix onto it a conspicuous self-adhesive notice describing the item as abandoned;
- (b) if the item is found on private land, serve a notice in accordance with section 67 on the registered owner of the private land calling on the owner to remove the item within 4 weeks from the date of the notice.

(4) If it is not possible to serve the notice referred to in subsection (1) or (3) in accordance with section 67 the notice may instead be published in at least 2 daily newspapers in circulation in the Areas.

(5) If the person to whom a notice under subsection (3) is addressed fails to remove the item within 4 weeks—

- (a) if the item is in a usable condition, the council may sell the item at public auction or by public tender and the proceeds of sale are to be used to defray the expenses of the overlapping municipality and any amount remaining is to be paid into the municipal fund; or
- (b) if the item is not in a usable condition, it is to be considered as waste and disposed of in accordance with the ~~Waste Management Ordinance 2007~~(a). Waste Ordinance 2015. (b)

(6) This section does not affect the liability of any person under the any other section of this or any other Ordinance.

(7) In this Ordinance—

- (a) “item” means any movable thing found in a public road or a private place exposed to the weather and not closely connected to any immovable property as defined in the Immovable Property (Tenure, Registration and Valuation) Ordinance; and
- (b) “private place” means any unfenced privately owned land.

### **Interim powers to deal with non-compliance with notice to cease nuisances**

**28.**—(1) If a person who has been served with a notice under section 26 fails to comply with any requirement of that notice within the time limit specified in the notice or if a nuisance in respect of which a notice has been served is, in the opinion of the mayor or the council, likely to be repeated on the same premises, the council may—

- (a) end such nuisance and for that purpose any authorised person may enter the premises which is the source of any nuisance and take any action necessary to end the nuisance;
- (b) without further notice on the person who has failed to comply with the notice, apply to the court for an order requiring that person to end the nuisance.

(2) The council may recover any expenses incurred by it in exercising the powers under subsection (1)(a) and may register the amount of any such expenses as an encumbrance on the immovable property which is the source of the nuisance, whether or not other action is taken to recover those expenses.

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(a) Ordinance 7/2007

(b) Ordinance 10/2012 – came into force on 03 August 2015

(3) If a council makes an application to a court under paragraph (1)(b) in respect of a notice served under section 26 the court may order that person, within the time specified in the order, to take such steps as are necessary to end or suspend the nuisance or prevent a repetition of the nuisance pending final judgment by the court.

(4) An order made under subsection (3) is to be made in accordance with the Civil Procedure Ordinance<sup>(a)</sup> and the Courts (Constitution and Jurisdiction) Ordinance 2007<sup>(b)</sup>.

(5) If a person fails to comply with an order made under subsection (3) within the time specified in that order the council may enter the premises so as to execute that order and the expenses incurred in executing that order may be recovered as a civil debt.

(6) A person against whom an order was made under subsection (3) who fails to comply with that order commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €512 or both such penalties.

### **Power of the court to make final order in relation to nuisance**

**29.**—(1) If the court is satisfied that a nuisance in respect of which a notice was served under section 26 is occurring or that although such a nuisance has ceased it may recur in respect of the same premises, the court may make an order of a type specified in subsection (2).

(2) An order made under subsection (1) may require the person to whom the notice served under section 26 was addressed, within the time specified in the order—

- (a) to comply with all of the requirements of the notice;
- (b) to cease the nuisance;
- (c) to prevent a recurrence of the nuisance;
- (d) to carry out works required to end the nuisance or to prevent it from recurring.

(3) The court may, in addition to making an order under subsection (1), make an order in relation to the recovery of expenses incurred in relation to enforcement of the order made under subsection (1) as it considers appropriate.

(4) A court need not make an interim order under section 28 before making a final order under this section.

(5) If a person fails to comply with an order made under subsection (1) within the time specified, in that order the council may enter the premises so as to execute that order and the expenses incurred in executing that order may be recovered as a civil debt.

### **Order prohibiting use of house as place of residence**

**30.**—(1) If the court is satisfied that any nuisance that has occurred is such as to make any building unfit for use as a residence the court may order that the building is not to be used as a residence until it is satisfied that such building has again become fit for such use.

(2) A person commits an offence and is liable on conviction to a fine of €340 if that person contravenes an order made under subsection (1).

### **Penalty for continuing breach of a court order**

**31.** A person who fails to comply with a court order made under section 28(3) or 29 within the time specified in that order is liable to a fine of €34 for each day during which such failure continues.

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(a) Cap 6, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

(b) Ordinance 5/2007

### **Court order addressed to the council in certain cases**

**32.** If a court is satisfied that a person whose actions or omissions caused a nuisance or the person in possession of a premises which is the source of a nuisance cannot be found, a court order issued under section 29 may be addressed to and executed by the council.

### **Power of an authorised person to enter premises**

**33.—**(1) An authorised person may enter any building between sunrise and sunset or in the case of business premises, at any time when those premises are open for business, to determine whether or not a nuisance is occurring in that building if there are reasonable grounds for suspecting that such a nuisance is occurring.

(2) If a court order has been made under section 28(3) or 29, any authorised person may from time to time enter any building from which the nuisance is occurring until the nuisance has stopped or the works required by the court order have been completed.

(3) Without prejudice to subsection (1), a court may make an order authorising an authorised person to enter a building at any time until the nuisance has stopped or until works necessary to stop the nuisance have been completed.

(4) A person who refuses to allow an authorised person to enter a building pursuant to an order made under subsection (3) commits an offence and is liable on conviction to a fine of €170.

### **Power to make procedural rules**

**34.—**(1) The Administrator may make rules to regulate court practice in relation to actions taken under this Ordinance to prevent nuisances.

(2) Rules made under this section may contain provisions relating to fees payable to the court.

### **Restrictions on trades causing a nuisance**

**35.—**(1) A person must not carry on a trade, business or industry causing harm or nuisance within the boundaries of an overlapping municipality without the prior written consent of the council.

(2) A person who breaches subsection (1) commits an offence and is liable on conviction to a fine of €170.

(3) If the offence of which a person is convicted is continued after the date of conviction, that person commits a further offence and is liable to a fine of €42 for every day on which the offence is so continuing.

### **Operating certain business premises prohibited**

**36.—**(1) A person must not, without obtaining a licence from the council, keep within the boundaries of an overlapping municipality any building or place where any business, industry, commercial enterprise, occupation or trade is carried on.

(2) The council may prescribe a fee for issuing a licence under subsection (1).

(3) The council may impose a charge for issuing a business licence not exceeding the charges provided for in the corresponding Republican Law.

(4) A person who breaches subsection (1) or who breaches the terms or conditions of a licence issued under this section commits an offence and is liable on conviction to a fine of €170.

(5) If proceedings are commenced for a breach of this section, the court may, on the application of the council, make an interim order suspending any operation in the building or place from where the business, industry, commercial enterprise, occupation or trade is carried on pending final judgment by the court.

(6) An order made under subsection (5) is to be made in accordance with the Civil Procedure Ordinance and the Courts (Constitution and Jurisdiction) Ordinance 2007.

### **Persons not to carry on a trade etc. without a licence**

**37.**—(1) This section and sections 38 to 42 do not apply to natural persons.

(2) A person must not, without obtaining a licence for that purpose from the council, within the boundaries of an overlapping municipality exercise any business, trade, work or occupation for profit.

(3) A person is not required to obtain more than 1 licence within the boundaries of the same overlapping municipality during any period.

(4) A person who has a licence issued under section 104 of the corresponding Republican Law or by an overlapping municipality under subsection (2) is not required to obtain a licence in respect of a business in another overlapping municipality under subsection (2) unless—

- (a) that person maintains a permanent work place within the boundaries of that other overlapping municipality; or
- (b) that person is located within the boundaries of that other overlapping municipality for more than a total of 15 days during any calendar year in order to carry on a business, trade, work or occupation.

(5) The council must not issue a licence under subsection (2) unless a business licence has been issued in respect of the business, trade, work or occupation for profit under section 21 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960 to the person applying for the licence under subsection (2).

### **Application for a licence**

**38.**—(1) A person who wishes to exercise any business, trade, work or occupation for profit within the boundaries of an overlapping municipality is to submit an application for the licence to the relevant overlapping municipality, together with such fee as determined by the council.

(2) A licence issued under this section is issued for a fixed period prescribed by section 41 and must be renewed from time to time by submitting an application for a renewal together with such fee as determined by the council.

(3) The fee referred to in subsections (1) and (2) must not exceed the amount specified in the corresponding Republican Law.

(4) The council is to issue the licence to the applicant or is to renew the licence on payment of the fee and is to enter or (in the case of a renewal) maintain the name of the applicant in a register of business licences kept by the council.

### **Failure to apply for a licence**

**39.**—(1) Subsection (2) applies if a person—

- (a) fails to submit an application under section 38 within 1 month of starting to carry on any business, trade, work or occupation for profit within the boundaries of an overlapping municipality; or
- (b) fails to apply for a renewal of that licence within 1 month of its expiry.

(2) If this subsection applies, the council may—

- (a) determine the fee payable by such person for the issue or renewal of a licence; and
- (b) enter or (in the case of a renewal) maintain that person's name on the register of business licences.

### **Form of licence**

**40.** The form of licence to be issued under section 38 in respect of a business, trade, work or occupation is to be determined from time to time by the council.

### **Validity of period of licence**

**41.** A licence issued under section 38 is valid for either—

- (a) a maximum period of 1 year and is to expire on 31 December; or
- (b) a maximum period of 6 months and is to expire on 30 June or 31 December.

### **Offences of carrying on a business etc. without a licence**

**42.** A person commits an offence and is liable on conviction to a fine of €170 if that person carries on a business, trade, work or occupation for profit within the boundaries of an overlapping municipality without—

- (a) submitting an application under section 38 within 1 month of starting to carry on such business, trade, work or occupation; or
- (b) making an application to renew a licence issued under section 38 within 1 month its expiry.

### **Other offences relating to a licence**

**43.** A person which is required under section 37 to possess a licence in relation to a business, trade, work or occupation commits an offence and is liable on conviction to a fine of €170 if that person—

- (a) refuses or fails to produce the licence when requested to do so by a police officer or by an authorised person;
- (b) loans or rents the licence to another person; or
- (c) produces, exhibits or uses a document or item with the intention of convincing a person that the person required to hold the licence does so.

### **Hawking within municipal boundaries**

**44.—(1)** A person must not, within the boundaries of an overlapping municipality, hawk goods of any nature without a licence (a “hawking licence”) issued by the council to do so.

**(2)** The council may—

- (a) grant or refuse any application for a hawking licence;
- (b) prohibit or restrict hawking in certain areas;
- (c) impose terms and conditions on the licence, including terms and conditions relating to the times at which goods may be hawked and the type of goods which may be hawked.

**(3)** An application for a hawking licence may be made (and a hawking licence issued) for a period of 1 month, 3 months, 6 months or 1 year and if approved by the council the licence is to be issued for the requested period on payment by the applicant of the fee fixed by the council.

**(4)** A fee is not to be returned to an applicant on the basis that the applicant has not conducted hawking during the period of the licence.

**(5)** A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of €85.

### **Theatres etc. not to be used without a licence**

**45.—(1)** A person must not, within the boundaries of an overlapping municipality, engage in the activities specified in subsection (2) unless that person has a licence to do so issued by the council of that overlapping municipality.

**(2)** The activities specified are—

- (a) using a theatre for any purpose or using a premises, place or tent for any theatrical, dance, cinema performance or any show to which an audience is admitted or where there is a public gathering;
  - (b) operating a funfair or places of recreation where electronic games are used.
- (3) The council may grant a licence to carry out the activities specified in subsection (2) for one performance or for any period not exceeding 1 year.
- (4) A licence must not be granted unless the applicant produces—
- (a) the building permit and certificate of approval of the premises issued by the competent authority under the ~~Streets and Buildings Regulation (Consolidation) Ordinance 1984(a)~~ *the Streets and Buildings Law of the Republic (Cap.96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022; (b)*
  - (b) a certificate issued by the civil engineer of the overlapping municipality or, if there is no such person, by the director of the Public Works Department of the Republic or the representative of the Director, certifying that the premises, place or tent, fittings, accessories, furnishing, lighting and ventilation are appropriate and safe in all respects for the purposes for which it is intended they are used;
  - (c) a certificate issued by the director of the Department of Electrical and Mechanical Services or that person's representative certifying that the electronic installation and equipment of the premises, place or tent comply with the Electricity Ordinance(c)(i); and
  - (d) a certificate issued by the Chief Fire Officer certifying that sufficient precautions have been taken within the premises, place or tent—
    - (i) to prevent or extinguish a fire; and
    - (ii) to safely evacuate persons.

#### **Licence to be granted and form of licence**

- 46.—**(1) A licence granted under section 45 is to be—
- (a) issued to owner, tenant or person in possession of the premises, place or tent where the activity is to take place; and
  - (b) in the form set out in the corresponding Republican Law.
- (2) The council may impose a fee in respect of a licence issued under section 45 as may be determined by municipal regulations made under section 21 or under the corresponding Republican Law.

#### **Supervision by an employee**

- 47.—**(1) If a council grants a licence under section 45 and that licence includes a condition that the premises, place or tent is to be used exclusively for the purpose for which the licence is granted under the supervision of an employee of the undertaking to whom the licence is issued or a person named in the licence (the “supervising person”), the supervising person may—
- (a) if it is necessary for the safety of the premises or place or of the persons within that premises, place or tent, order that the theatrical or cinema performance, show, public gathering or any other event for which the premises, place or tent is being used is to cease;
  - (b) give such other instructions as may be necessary for the safety of the premises, place or tent or of the persons within that premises or place and in such a case, the person in

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(a) Ordinance 7/1984  
 (b) Amended by Ordinance xx/2022 – came into force on xxxxxx 2022  
 (c) Cap 170, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

charge of the premises or place and all persons in that premises or place are to comply with those instructions.

(2) A person commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €512 or both if that person—

- (a) being a supervising person fails to issue any instruction as may be necessary for the safety of the premises or place or of the persons within that premises or place;
- (b) being a person in a premises or place, fails to comply with any instruction given by the supervising person.

### **Revocation of licence**

**48.** The council may revoke a licence issued under section 45 if—

- (a) any of the certificates issued under section 45(4) cease to be valid; or
- (b) being a person in a premises or place, fails to comply with any instruction given by the supervising person.

### **Criminal offences related to theatres etc.**

**49.—**(1) A person commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €512 or both if that person contravenes section 45(1) or authorises, tolerates or permits any premises, place or tent to be used in contravention of section 45(1) or in breach of the conditions of a licence issued under that section.

(2) If a person is convicted of an offence under subsection (1) a court may for such period as it considers appropriate—

- (a) revoke a licence issued to that person under section 45;
- (b) prohibit that person from obtaining a licence under section 45; or
- (c) impose conditions on a licence issued or held by that person under section 45.

(3) Subsection (2) applies whether or not the offence was committed by the person to whom the licence was issued.

(4) If proceedings are commenced for a breach of this section, the court may, on the application of the council, suspend the licence and prohibit the use of the premises, place or tent for any of the activities specified in section 45(2) pending final judgment by the court.

(5) An order made under subsection (4) is to be made in accordance with the Civil Procedure Ordinance and the Courts (Constitution and Jurisdiction) Ordinance 2007.

(6) A person in respect of whom an order is issued under subsection (4) who does not comply with that order commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €512 or both.

### **Power of entry**

**50.—**(1) A police officer of the rank of sergeant or above or any authorised person may, at any reasonable time, including a time when the premises, place or tent is being used, enter any premises, place or tent—

- (a) in respect of which a licence has been issued under section 45 to ensure that the terms and conditions of that licence are being complied with;
- (b) which a police officer or authorised person has reason to believe is being used in breach of section 45.



### **Weighing etc.**

**51.**—(1) The council is to provide facilities for the weighing, measuring or testing of goods delivered to within the boundaries of the overlapping municipality which may be used at the request of the buyer or seller of goods.

(2) The council may prescribe such fee in respect of the use of the facilities referred to in subsection (1) as may be determined by municipal regulations made under section 21.

### **Weighing at the request of a customs officer**

**52.**—(1) A customs officer may, in discharging his or her duties, request the council to weigh any goods or items within the boundaries of the municipality.

(2) Any fees relating to the weighing of goods under subsection (1) are to be paid by the owner of the goods.

### **Transactions to be recorded and certificate issued**

**53.** A person appointed by the council to weigh, measure or test goods is to record the details of any weighing, measuring or testing under this Ordinance and on payment of the prescribed fee is to issue to the person who requested that the goods be weighed, measured or tested a certificate setting out the results of the weighing, measuring or testing of the goods and the amount of the fee paid.

### **Failure of person appointed to weigh etc. goods**

**54.** A person appointed by the council to weigh, measure or test goods commits an offence and is liable on conviction to conviction to imprisonment for 6 months or a fine of €512 or both if that person deliberately or recklessly—

- (a) weighs, measures or tests erroneously or inaccurately any goods or items which are to be weighed, measured or tested under this Ordinance;
- (b) makes a false entry or issues a false certificate or signature in relation to such weighing, measuring or testing.

### **Municipal entry charges on goods**

**55.**—(1) Subject to this section, a person who brings any goods into the boundaries of an overlapping municipality for supply, packaging, processing or export originating from any part of the Republic (other than from that part of the overlapping municipality lying in the Republic) is to pay to the council a municipal entry charge prescribed from time to time by municipal regulations made under section 21.

(2) The council is to give a receipt showing the amount paid and details of the goods in respect of which a municipal entry fee is charged under subsection (1).

(3) A municipal entry charge is not payable if—

- (a) a person—
  - (i) transports goods within the boundaries of any municipality of the Republic, any overlapping municipality or transports goods to the Republic; or
  - (ii) sells goods within the boundaries of the overlapping municipality in circumstances where a municipal entry fee was paid elsewhere and those goods are weighed; and
- (b) the person shows to the satisfaction of the council that the goods carried or sold are goods for which a receipt was given by another municipality.

(4) A municipal entry charge is not payable if a weighing fee in respect of the goods carried within municipal boundaries has already been under the Villages (Administration and

Improvement) Law 1999 of the Republic<sup>(a)</sup> or the Public Health (Villages) Law<sup>(b)</sup> of the Republic.

(5) A municipal entry charge is not payable—

- (a) in respect of goods in transit through the overlapping municipality;
- (b) in respect of agricultural or farm goods and the by-products of such goods sold in municipal markets.

(6) Agricultural and farm goods and the by-products of such goods sold in municipal markets are exempt from all fees, charges or encumbrances prescribed for the time being in municipal regulations made under section 21.

### **Failure to pay municipal entry charge**

**56.** A person who fails to pay a fee due by that person under section 55 commits an offence and is liable on conviction to a fine of €85.

## **PART 5**

### **Offences and proceedings**

#### **Certain offences**

**57.—**(1) A person commits an offence if, within the boundaries of an overlapping municipality, that person—

- (a) being the owner or having charge of an animal, allows that animal to roam without supervision;
- (b) carries or permits to be carried on any means of transport an unsafe load;
- (c) lets open any basement, cellar, space, pit or sewer without satisfactory coverings, fencing or handrails or, after sunset, sufficient lighting to warn any person or to prevent the fall of any person;
- (d) throws or allows to escape any water or other liquid into any street, throws or allows water to escape into a ditch within the boundaries of the overlapping municipality, throws any kind of engine oil or burns such oil anywhere within the overlapping municipality;
- (e) without lawful authority, turns off or breaks any street lamp;
- (f) deliberately causes an obstruction to a road using a motor vehicle, animal or any other means;
- (g) places or leaves unattended any items alongside any road;
- (h) places any folding shutter, shade, cover or other projection at a height of less than 3 metres alongside any road;
- (i) places, hangs or displays any goods or merchandise for sale in a manner which projects onto the road or beyond the line of any buildings or in a manner which causes an obstruction;
- (j) rolls or carries any goods along a pavement except when loading or unloading a vehicle;
- (k) places any rope, cord or pole vertically or horizontally alongside any road or places or hangs any clothes for drying, advertisements or other things alongside a road;
- (l) being a prostitute, solicits for the purposes of prostitution;
- (m) recklessly drives or rides any vehicle or animal;

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<sup>(a)</sup> Law 86(I)/11, Laws of Cyprus

<sup>(b)</sup> Cap.259, Laws of Cyprus

- (n) shakes or dusts any carpets or similar items onto any road from part of a residence or building;
  - (o) causes damage to any road;
  - (p) throws from any part of a building any earth, tiles, wood, refuse, water or other thing;
  - (q) throws, places or leaves any item on any road or public place;
  - (r) throws, lets fall, or leaves anything in a sub-surface duct belonging to or controlled by the council or any other authority, or permits such a thing to happen;
  - (s) hangs or allows to be hung a street name for which no approval has been given under this Ordinance;
  - (t) removes, destroys or defaces a street name which has been lawfully placed on a street.
- (2) A person who commits an offence specified in subsection (1) is liable—
- (a) on conviction to imprisonment for 3 months a fine of €170 or both such penalties; and
  - (b) if the offence of which a person is convicted is continued after the date of conviction, to a fine of €17 for every day on which the offence is so continuing.
- (3) A person commits an offence and is liable on conviction to imprisonment for 3 months or a fine of €860 or both penalties if that person, within the boundaries of an overlapping municipality, burns any domestic, building, agricultural or industrial waste.
- (4) If the offence of which a person is convicted under subsection (3) is continued after the date of conviction, that person commits a further offence and is liable to a fine of €350 for every day on which the offence is so continuing.
- (5) If proceedings are commenced for a breach of this section, the court may, on the application of the council, make an interim order requiring a person to carry out any act or to refrain from carrying out any act which the court considers necessary to ensure free and safe use of any road pending final judgment by the court.
- (6) An order made under subsection (5) is to be made in accordance with the Civil Procedure Ordinance, the Courts (Constitution and Jurisdiction) Ordinance 2007 and the Civil Procedure Rules.
- (7) If a person in respect of whom an order has been made under subsection (5) fails to comply with that order within the time prescribed, the council may execute that order and may recover the costs of doing so from the person against whom the order was made as a civil debt.
- (8) Whether or not the council has exercised its power under subsection (7), a person in respect of whom an order has been made under subsection (5) who fails to comply with that order commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €300 or both such penalties.
- (9) A police officer may remove any street name which has been placed on a street without approval under this Ordinance, whether or not the street name was placed there before or after this Ordinance entered into force.

### **Criminal offences: supplementary**

**58.** If an offence under this Ordinance, committed by a body corporate, is committed with the consent or the connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, that officer as well as the body corporate commits that offence and is liable to the same penalties as provided for by this Ordinance.

### **Obstructing authorised persons**

**59.—(1)** A person commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €300 or both such penalties if that person obstructs an authorised person in exercising any functions under this Ordinance or under municipal regulations made under 21.

(2) If a person is convicted of an offence under subsection (1) the court may order that person to pay to the overlapping municipality such compensation in respect of the obstruction as it considers just.

#### **Power of the court**

**60.**—(1) If a person is convicted of an offence under this Ordinance or under municipal regulations made under section 21, the court may, in addition to any penalty and order for costs that it may impose, order that the person pays all charges, municipal entry charges for goods and any fees or duties related to such charges which the person should pay but has not paid.

(2) Any amount which the court orders to be paid under subsection (1) may be recovered in the same manner as a fine or other penalty.

#### **Power of municipality to collect charges, surcharges, rents**

**61.**—(1) An overlapping municipality may recover as a civil debt from any person any charge, surcharge, rent, fee, duty or municipal entry charge (including any additional amount due under subsection (3)) payable by that person under this Ordinance or under any municipal regulation.

(2) For the operation of subsection (1), it is irrelevant that—

- (a) non-payment of the charge, surcharge, rent, fee, duty or municipal entry charge is a criminal offence under this Ordinance or under municipal regulations;
- (b) the person liable for the charge, surcharge, rent, fee, duty or municipal entry charge was or was not prosecuted for failing to pay.

(3) If any charge, surcharge, rent, fee, duty or municipal entry charge payable under this Ordinance or under municipal regulations remains unpaid when properly due, they are to be increased by 10%.

#### **Prosecutions**

**62.** Proceedings for any offence under this Ordinance may not be instituted except by or with the consent of the Attorney General and Legal Adviser.

#### **Corrupt payments**

**63.** For the purposes of sections 100 to 105 inclusive of the Criminal Code<sup>(a)</sup>, a mayor, deputy mayor or councillor is considered in relation to the duties of those offices to be a person employed in the public service.

## **PART 6**

### **Miscellaneous provisions**

#### **Regulations**

**64.** The Administrator may make regulations in respect of any matter which requires to be prescribed under this Ordinance and generally for the better carrying out of the provisions of this Ordinance.

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(a) Cap 154, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68)

### **No exemption from payment of charges etc.**

**65.**—(1) Other than provided for in this Ordinance, no person, corporation, public or private body is to be exempt from paying any taxes, charges, fees, municipal entry charges on goods or additional charges payable under this Ordinance or under any municipal regulations made under section 21.

(2) Nothing in this Ordinance requires the Crown to pay any taxes, charges, fees, municipal entry charges on goods or additional charges otherwise payable under this Ordinance.

### **Exemption from taxation**

**66.** An overlapping municipality is exempt from—

- (a) stamp duty payable under the Stamp Ordinance 1964(a);
- (b) payment of any tax or fee payable under the 2006 Ordinance in relation to any motor vehicle belonging to the municipality;
- (c) payment of any charges under the Immovable Property (Transfer and Mortgage) Ordinance 1966(b).

### **Service of notice**

**67.**—(1) A notice, order or other document the service of which is required or authorised under this law may be served by—

- (a) delivering the document to be served to the person or to the residence of the person to whom it is addressed;
- (b) if the document is addressed to a person who owns or possesses premises, by delivering the document or a true copy of it to any person found in the premises or if there is no person in the premises to whom it may be served by affixing the document at a conspicuous place in the premises; or
- (c) sending the document via registered mail, addressed to the person on whom it is to be served, to that person's last known postal address in Cyprus.

(2) A notice required under this law to be delivered to the owner or possessor of any premises may be addressed to the “owner” or “possessor” of the premises (naming the premises) in respect of which the notice is given, without further name or description.

### **Delegation of function to the Republic**

**68.**—(1) Subject to subsection (2), a power conferred or duty imposed on the Chief Officer by this Ordinance is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(c).

(2) The powers conferred and the duties imposed on the Chief Officer under sections 21 and 22 are not delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

(3) The function placed on the Chief Fire Officer by section 45(4) is a modified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

(4) The modification applicable to delegation under subsection (3) is that section 17 of the Delegation of Functions to the Republic Ordinance 2007 does not apply in respect of any member of the police force of the Republic who is also a member of the Fire Service of the Republic.

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(a) Ordinance 13/1964  
(b) Ordinance 16/1966  
(c) Ordinance 17/2007

## **Waste Management Ordinance 2007 amended (a)**

**69.** Section 5 of the Waste Management Ordinance 2007 is amended by repealing section 5 and replacing it with—

### **“5. Community Councils and Municipal Councils**

(1) In carrying out the duties and exercising the powers under the Akrotiri Community Ordinance 2001 and the Overlapping Communities Ordinance 2001, community councils are, in relation to hazardous waste, to act in accordance with this Ordinance.

(2) In carrying out the functions and exercising the powers under the Overlapping Municipalities Ordinance 2011 municipal councils are, in relation to hazardous waste, to act in accordance with this Ordinance.”

## **Legal proceedings**

**70.—**(1) A court of the Areas may take judicial notice of Republican law and of any other Republican document of any description granted or otherwise made under Republican law.

(2) The production of a copy of any part of a Republican enactment may be held by a court to be conclusive evidence, of the due and lawful making of that enactment if it is—

- (a) purporting to be printed by the Government Printer of the Republic, by whatever name called; or
- (b) contained in any of the following publications—
  - (i) a printed collection of enactments purporting to be printed and published by an authority of the Republic; or
  - (ii) an issue of the Official Gazette of the Republic.

(3) For the purposes of this section, a version of any part of a Republican enactment in the English language may be held by the court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question if it—

- (a) purports to be produced by an authority of the Republic;
- (b) is certified as being accurate by an officer of the Administration considered by the court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic;
- (c) is given or produced in the course of oral evidence of a person whom the court considers to be a competent translator for the purpose;
- (d) is stated orally in court or produced in writing by a Registrar or official court interpreter.

(4) For the purposes of this section, the production of a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made or an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence may be held by the court to be conclusive evidence for all purposes of the contents of such document.

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**i** Cap 170, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

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(a) Section 69 repealed by Ordinance 10/2015 – came into force on 03 August 2015