
PROTECTION OF THE ENVIRONMENT ORDINANCE
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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 |
|--|------------------|----------------------|
| Protection of the Environment Ordinance 1988 | 9/1988 | 18/11/1998 |
| Protection of the Environment (Amendment) Ordinance 2006 | 19/2006 | 10/11/2006 |
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PROTECTION OF PROPERTY ORDINANCE 2004

An Ordinance to Provide for the protection of the natural and man-made environment and the amenity, convenience and welfare of the public

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

Short Title

1. This Ordinance may be cited as the Protection of the Environment Ordinance, 1988.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“acquiring authority” has the meaning assigned to it by the Land Acquisition Ordinance;(a)

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and any reference to the display of advertisements shall be construed accordingly;

“agriculture” means all agricultural activities on land classified under the wider sector of agriculture and includes farming of all types, intensive and extensive animal husbandry, forestry, fishing and hunting, and the use of land for woodlands, and fallow land, and “agricultural” shall be construed accordingly;

“ancient monument” has the meaning assigned to it by the Antiquities Ordinance(b);

“building” means any structure, erection, shelter or shed of whatever material and shall include any caravan, container, tent and any part of a building, but shall not include any plant or machinery stored or installed in a building;

“building operations” means any operations relating to the construction or erection of a building and includes the demolition, re-building, structural operations of, additions or repairs to, buildings and any other operations normally carried out by a person carrying on business as a builder;

“buildings or works” include waste materials, refuse and other matters deposited on immovable property, and reference to the erection or construction of buildings or works shall be construed accordingly;

“clearing”, in relation to immovable property, means the removal of buildings or materials from the immovable property, the levelling of the surface of the immovable property, and the carrying out of such other operations in relation thereto as may be prescribed;

“Court” means the Judge’s Court of the Sovereign Base Areas of Akrotiri and Dhekelia;

“development” means the carrying out of building, engineering, mining and quarrying or other operations in, on, over or under immovable property, or the making of any material change in the use of any building or other immovable property and shall include the use of any building, previously being a single dwelling house, as two or more separate dwelling houses, irrespective of whether any such change of use necessitates any construction or alterations; the deposit of refuse or waste materials on immovable property, irrespective of whether such

(a) Cap.266 (Laws of Cyprus) as amended

(b) Ordinance 12/1975 as amended

immovable property is comprised in a site already used for that purpose, if either the superficial area of the deposit is thereby extended, or the height of the deposit is thereby extended and exceeds the level of the immovable property adjoining the site; the display of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose; the division of any immovable property into separate sites; the demolition of any building; the laying out of any street and the concentration or pile up of spoil materials, quarry materials or building materials for the purpose of trade, other than materials which are being used in the carrying out of building or works operations on the same or adjoining immovable property;

“engineering operations” includes the construction and laying out of roads and the formation or laying out of means of access to roads;

“erection”, in relation to a building, includes extension, alteration and re-erection;

“existing development” means any development complying with the provisions of the Streets and Buildings Regulation (Consolidation) Ordinance and the Regulations made thereunder and any development completed in accordance with a building permit duly granted and registered and complying with any conditions attached thereto, and “existing building” and “existing use” shall be construed accordingly;

“immovable property” has the meaning assigned to that expression by section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance^(a);

“owner”, in relation to any immovable property, means the person registered or entitled to be registered in the District Lands Office as the owner thereof;

“prescribed” means prescribed by regulations or an order or direction, made or given under this Ordinance;

“preservation order” has the meaning assigned to that expression by section 7;

“tree protection order” has the meaning assigned to that expression by section 8;

“use”, in relation to immovable property, does not include the use of immovable property for the carrying out of any building or other operations thereon;

“value”, in relation to any immovable property, means the amount that such property is expected to realize if sold on the open market by a willing vendor;

“white zone” has the meaning assigned to that expression by section 5.

Powers of Chief Officer

3.—(1) The Chief Officer shall for the purposes of this Ordinance be responsible for the exercise of all functions accruing therefrom, and the expression Chief Officer shall be construed accordingly and shall include any body, authority or person duly authorised by him to exercise his functions under this Ordinance.

(2) Subject to the provisions of this Ordinance, the Chief Officer may delegate to any body, authority or person the power to exercise any of his functions under this Ordinance. Such delegation may be made to different bodies, authorities or persons in respect of different areas or in respect of the exercise of different functions, by order made by the Chief Officer promulgated in the Gazette.

(3) In the exercise of his functions under this Ordinance the Chief Officer shall be empowered to make such orders and give such directions as he may consider necessary or desirable to achieve the purposes of this Ordinance.

Delegation by Chief Officer

4.—(1) The Chief Officer may by order to be published in the Gazette delegate to any body, authority or person the task of instituting and conducting a survey and the collection of any other

(a) Cap.224 (laws of Cyprus) as amended

information necessary for the preparation of any descriptive matter, maps, diagrams and other illustrations for the purpose of designating an area or a site to a specific use or purpose.

(2) Any body, authority or person acting under such delegated powers shall be required to submit to the Chief Officer any work prepared in accordance with the terms of the order and the Chief Officer may reject it or approve it without any modification or subject to such modifications as he may consider appropriate.

(3) The descriptive matter, maps, diagrams and any other relevant information thus prepared and which has been approved by the Chief Officer, shall form part of an order made for the purpose of designating an area or a site to a specific use or purpose and shall be promulgated in the Gazette, together with the order, and a copy shall be deposited at the Area Office of the area in which the land affected is situated, for inspection by the public.

Definition of white zone

5.—(1) With the object of protecting areas of natural beauty or special character or interest the Chief Officer may define any area hereinafter referred to as a “white zone” within which, for the time being, the existing uses are generally to remain unchanged and further development is to be limited generally to what may be regarded as essential to the needs of the area so defined, with particular reference, as the case may be, to traditional activities, archaeology and the like.

(2) A white zone shall be defined by order promulgated in the Gazette. Such order shall refer to a map on which the area so defined is clearly demarcated and shall include a statement of the principles applicable for the time being to the control of development in the particular white zone.

(3) The definition of a white zone shall not preclude an application for the granting of a building permit under the provisions of the Streets and Buildings Regulation (Consolidation) Ordinance(a) or an application for a quarry permit or quarry licence under the Mines and Quarries (Regulation) Ordinance(b) in respect of immovable property in the white zone, which may not be in accordance with the statement of principles included in the order.

(4) Any application for the granting of a permit authorising development in an area defined as a white zone shall be referred to the Chief Officer for determination whether a permit shall be granted or not and on what conditions.

Discontinuance of use of immovable property

6.—(1) If it appears to the Chief Officer that it is expedient in the interests of orderly development and the preservation of amenity—

- (a) that any use of immovable property should be discontinued, or that any conditions should be imposed on the continuance of an existing use of immovable property; or
- (b) that any buildings or works should be altered or removed,

he may by order, to be published in the Gazette, require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be specified to be taken for the alteration or removal of the buildings or works, as the case may be.

(2) Where the Chief Officer proposes to make an order under this section, he shall serve notice on the owner and on the occupier of the immovable property affected, and on any other person who in his opinion will be affected by the order, and such persons may make representations to the Administrator, in such manner as may be prescribed in regulations to be made under this Ordinance.

(3) Where the Administrator has confirmed such order, made under this section, the Chief Officer shall serve a copy of the order on the owner and the occupier of the immovable property to which the order relates and on any other person who in his opinion will be affected by the order.

(a) Ordinance 7/1984

(b) Cap.270 (Laws of Cyprus) as amended

Preservation orders

7.—(1) Where it appears to the Chief Officer that it is expedient to make provision for the preservation of any particular building, or any group of buildings, or any area, of a special historic, social, cultural, architectural or other interest or character or natural beauty, he may for that purpose make in respect thereof an order (in this Ordinance referred to as a “preservation order”), prohibiting any building operations or such other development as he may specify therein, except with his consent and subject to such conditions as he may specify therein.

(2) Any preservation order under the preceding subsection—

- (a) shall be made in accordance with regulations made under this Ordinance;
- (b) shall specify the particular building, group of buildings or area in respect of which it is made and, in general terms, the special historic, social, cultural, architectural or other interest or character or natural beauty thereof;
- (c) may provide for application to be made to the Chief Officer for his consent to any building operation or any other development;
- (d) may provide for the steps to be taken by any person for the preservation of any immovable property to which it relates.

(3) Where a preservation order has been made, the following provisions shall have effect, that is to say—

- (a) the making of the preservation order shall be notified in such manner as may be prescribed in regulations to be made under this Ordinance;
- (b) objections and representations with respect to such order may be made by any person aggrieved and submitted in such manner and within such period as may be prescribed;
- (c) the Administrator shall consider the matter and any objections and representations made with respect to the order and may confirm such order, either without modifications or subject to such modifications as he may consider expedient, or may refuse to confirm the same;
- (d) upon confirmation of the preservation order, a copy thereof together with particulars of the immovable property to which it relates, shall be supplied to the District Officer, the District Lands Officer and the Divisional Officers of the Department of Town Planning and Housing, and the Department of Antiquities of the district in which such property is situate and to the Director of the Mines Service of the Republic of Cyprus and the said confirmation shall be notified in such manner as may be prescribed.

(4) Where a preservation order has been confirmed by the Administrator, no person shall carry out any works on any immovable property to which such order relates without first obtaining the consent of the Chief Officer and complying with any conditions specified in such consent:

Provided that nothing in this subsection shall render unlawful the carrying out of any works which are urgently necessary in the interests of safety or health or for the preservation of the immovable property to which a preservation order relates or of neighbouring property, so long as notice in writing of the proposed carrying out of the works given to the Chief Officer as soon as may be after the necessity for the works arises.

(5) No preservation order shall be made in respect of any immovable property which is an ancient monument or so as to affect the functions of any person or authority under the Antiquities Ordinance or any Ordinance amending or substituted for the same or any regulations or other public instruments made thereunder.

~~Tree protection orders (a)~~

~~8.—(1) Subject to the provisions of this section, where it appears to the Chief Officer that it is expedient in the interests of amenity to make provision for the protection of any particular tree or~~

(a) Section 8 repealed and replaced by Ordinance 19/2008 – came into force on 10 November 2008

~~any group of trees or woodlands in any area, he may for that purpose make in respect thereof an order (in this Ordinance referred to as a “tree protection order”), prohibiting, subject to any exemptions for which provision may be made in such order, the cutting down, topping, lopping or wilful destruction thereof except with the consent of the Chief Officer and subject to such conditions as may be specified therein.~~

~~(2) Any tree protection order under subsection (1)–~~

- ~~(a) shall be made in accordance with regulations made under this Ordinance;~~
- ~~(b) shall specify the particular tree, group of trees or woodland area in respect of which it is made;~~
- ~~(c) may provide for application to the Chief Officer for his consent to any cutting down, topping, lopping or wilful destruction of any tree;~~
- ~~(d) may provide for the steps to be taken by any person for securing the replanting, in such manner as may be prescribed by or under such order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under such order.~~

~~(3) Where a tree protection order has been made, the following provisions shall have effect, that is to say—~~

- ~~(a) the making of the tree protection order shall be notified in such manner as may be prescribed;~~
- ~~(b) objections and representations with respect to such order may be made by any person aggrieved and submitted to the Administrator in such manner and within such period as may be prescribed in regulations to be made under this Ordinance;~~
- ~~(c) the Administrator shall consider the matter and any objection and representations made with respect to the order and may confirm such order, either without modification or subject to such modifications as he may consider expedient, or may refuse to confirm the same;~~
- ~~(d) upon confirmation of the tree protection order a copy thereof, together with particulars of the immovable property to which it relates shall be supplied to the District Officer, the District Lands Officer, the Divisional Officers of the Department of Town Planning and Housing, the Department of Forests and the Department of Antiquities of the district in which such property is situate and to the Director of the Mines Service of the Republic of Cyprus, and the said confirmation shall be notified in such manner as may be prescribed.~~

~~(4) No person shall cut down, top, lop or wilfully destroy any tree to which such order relates without first obtaining the consent of the Chief Officer and complying with any conditions specified in such consent:~~

~~Provided that, without prejudice to any other exemptions for which provision may be made by such order, nothing in this subsection shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or to the cutting down, topping or lopping of any trees in compliance with any obligations imposed by or under any legislation or so far as may be necessary for the prevention or abatement of a nuisance.~~

~~(5) No tree protection order shall be made in respect of any forest land which is by virtue of delegated authority under the management of the Department of Forests of the Republic of Cyprus.~~

Tree protection orders

8.—(1) If it appears to the Area Officer to be expedient in the interests of amenity to make provision for the protection of a tree, group of trees or woodlands, he may for that purpose make a tree protection order with respect to such tree, groups of trees or woodlands as may be specified in the order.

(2) An order under subsection (1) is in this Ordinance referred to as a “tree protection order”.

(3) A tree protection order may, in particular, make provision—

- (a) *or prohibiting, subject to such exemptions for which provision may be made by the order, the cutting down, lopping, topping, uprooting, intentional damage or intentional destruction of trees except with the consent of the Chief Officer, and for enabling the Chief Officer to give his consent subject to conditions; or*
 - (b) *for securing the replanting, in such manner as may be prescribed in the order, of any part of a woodland which is felled in the course of forestry operations permitted by or under the order.*
- (4) *Subject to subsection (5), a person must not contravene a tree protection order.*
- (5) *Without prejudice to any other exemptions for which provision may be made by a tree protection order, no such order applies to—*
- (a) *the cutting down, lopping, topping or uprooting of a tree which is dying or dead or has become dangerous, or*
 - (b) *the cutting down, lopping, topping or uprooting of a tree in compliance with obligations imposed by legislation or so far as may be necessary for the prevention or abatement of a nuisance.*
- (6) *The Administrator may make regulations:*
- (a) *prescribing the procedure for making a tree protection order, and*
 - (b) *in relation to an application for consent under a tree protection order, prescribing the form and manner in which an application is to be made, and specifying the documents or other materials that are to be included in the application.*

Control of advertisements

9.—(1) Subject to the provisions of this section, provision may be made by regulations under this Ordinance for restricting or regulating the display of advertisements so far as appears to the Chief Officer to be expedient in the interest of amenity or public safety.

(2) Without prejudice to the generality of the preceding subsection, any such regulations may provide—

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed, and the manner in which they are to be affixed;
- (b) for requiring the consent of the Chief Officer to be obtained for the display of advertisements in general, or for advertisements of any class specified in the regulations;
- (c) for the constitution of an advisory committee, as may be prescribed by the regulations, to advise the Chief Officer on matters concerning the display of advertisements.

(3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control, being either rural areas or areas other than rural areas which appear to the Chief Officer to require special protection on grounds of their good appearance; and without prejudice to the generality of the preceding provisions of this subsection, the regulations may prohibit the display in any such area of all advertisements except advertisements of such classes as may be specified in the regulations.

(4) Areas of special control for the purposes of regulations under this section may be defined either by reference to provisions included in that behalf in the policy relating to the regulation and control of development or by means of orders made by the Chief Officer in accordance with the provisions of the regulations.

(5) Where the Chief Officer is authorised by the regulations to make any such order as is mentioned in the last preceding subsection, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed and for the consideration of such objections duly made thereto, before the order is made.

(6) Regulations made under this section may be made so as to apply to advertisements which are being lawfully displayed on the date on which the regulations come into force, or to the use for the

display of advertisements of any site which is being lawfully used for that purpose on that date; but any regulations made in accordance with this subsection shall provide for exempting therefrom—

- (a) the continued display of any such advertisements; and
- (b) the continued use of any such site for the display of advertisements, during such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations.

10. Where the display of advertisements in accordance with regulations made under the last preceding section involves any development of immovable property, a building permit under the Streets and Buildings Regulation (Consolidation) Ordinance shall be deemed to have been granted and no application shall be necessary in that behalf under the said Ordinance.

11. Upon the coming into operation of any regulations made under section 9 of this Ordinance, the Display of Advertisement (Control) Ordinance(i) shall, unless otherwise provided in such regulations, be deemed to be repealed.

Proper maintenance of waste land

12.—(1) If it appears to the Chief Officer that the amenity of any area is seriously injured by the condition of any garden, vacant site or other immovable property, in such area, then he may serve on the owner and occupier of the immovable property a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

(2) A notice under this section shall take effect at the end of such period as may be specified in the notice.

13.—(1) The provisions of this section shall have effect where a notice has been served under the last preceding section and the period within which the steps required by the notice were to be taken has expired.

(2) If, at any time after the end of that period any of those steps have not been taken, and any person does anything which has the effect of continuing or aggravating the injury caused by the condition of the immovable property to which the notice relates, such person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty pounds.

14. If, within the period specified in a notice under section 12 of this Ordinance in accordance with subsection (1) of that section, or within such extended period as the Chief Officer may allow, any steps required by the notice to be taken have not been taken, the Chief Officer may enter upon the immovable property and take those steps, and may recover from the person who is then the owner of the immovable property any expenses reasonably incurred by him in that behalf:

Provided that the Chief Officer shall not enter upon—

- (a) any dwelling house, without first having obtained a warrant from the Court authorising such entry;
- (b) any building, other than a dwelling house, without previously giving to its occupier eight days' written notice of the intended entry;
- (c) any other immovable property, without previously giving to its occupier one day's written notice of the intended entry, unless the occupier consents in writing to such entry.

15. Any expenses incurred by the owner or occupier of any immovable property for the purpose of complying with a notice under section 12 of this Ordinance and any sums paid by the owner of any immovable property under the last preceding section in respect of expenses incurred by the Chief Officer, shall be deemed to be incurred or paid for the use and at the request of the person who caused or permitted the immovable property to come to be in the condition in which it was when the notice was served.

Agreements regulating development

16.—(1) The Chief Officer may enter into an agreement with any person interested in immovable property for the purpose of restricting or regulating the development or use of the immovable property, either permanently or during such period as may be prescribed by the agreement.

(2) Any such agreement may contain such incidental and consequential provisions including provisions of a financial nature as appear to the Chief Officer to be necessary or expedient for the purposes of the agreement and for the enforcement of the terms of the agreement against the person making the agreement and persons deriving title under that person.

(3) Nothing in this section or in any agreement made thereunder shall be construed—

- (a) as restricting the exercise of any powers exercisable by the Chief Officer under this Ordinance in relation to immovable property which is the subject of any agreement ; or
- (b) as requiring the exercise of any such powers.

Enforcement of order for discontinuance of use of property

17.—(1) Where, by virtue of an order made under section 6 of this Ordinance, the use of immovable property for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, then if any person, without the grant of a permit in that behalf, uses the immovable property for that purpose or, as the case may be, uses the immovable property for that purpose in contravention of those conditions, or causes or permits the immovable property to be so used, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and shall be liable on conviction to a fine not exceeding two hundred pounds for every day on which the use is so continued.

(2) If, within the period specified in that behalf in an order under section 6 of this Ordinance, any steps required by that order to be taken for the alteration or removal of any buildings or works have not been taken, the Chief Officer may enter upon the immovable property and take those steps:

Provided that the Chief Officer shall not enter upon—

- (a) any dwelling house, without first having obtained a warrant from the Court authorising such entry;
- (b) any building, other than a dwelling house, without previously giving to its occupier eight days' written notice of the intended entry;
- (c) any other immovable property, without previously giving to its occupier one day's written notice of the intended entry, unless the occupier consents in writing to such entry.

Enforcement of tree protection orders and preservation orders

18.—(1) If any person contravenes the provisions of a tree protection order, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds; and if, in the case of a continuing offence, the contravention is continued after the conviction, he shall be guilty of a further offence and shall be liable on conviction to an additional fine not exceeding one hundred pounds for every day on which the contravention is so continued.

(2) The matters for which provision may be made by a preservation order shall include provision for enabling the Chief Officer, where any works have been executed in contravention of the order, to require the restoration of the building, group of buildings or area to its former state, and for that purpose for applying any of the provisions of this section and of sections 15 and 17 of this Ordinance, subject to such adaptations and modifications as may be specified in the order.

(3) Without prejudice to any provisions included in a preservation order by virtue of the last preceding subsection, if any person, being the owner of the building, group of buildings or area in relation to which a preservation order is in force, or a person on whom notice of such order has been served by the Chief Officer, executes, or causes or permits to be executed, any works in

contravention of the order, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand pounds.

(4) The Court before which a charge has been brought against any person for any offence under the last preceding subsection may, on application by summons, order that any further works in contravention of the relevant preservation order be stayed until the final determination of the case in respect of which such charge has been brought.

Regulations in relation to display of advertisements

19.—(1) The matters for which provision may be made by regulations under section 9 of this Ordinance shall include provisions for enabling the Chief Officer to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations, and for that purpose for applying any of the provisions of this section and of sections 15 and 17 of this Ordinance, subject to such adaptations and modifications as may be specified in the regulations.

(2) Without prejudice to any provisions included in regulations made under section 9 of this Ordinance by virtue of subsection (1) thereof, if any person displays an advertisement in contravention of the provisions of the regulations, he shall be guilty of an offence and shall be liable on conviction to a fine of such amount as shall be prescribed by the regulations, not exceeding five hundred pounds, and, in the case of a continuing offence, one hundred pounds for each day during which the offence continues after conviction.

(3) For the purposes of the last preceding subsection, and without prejudice to the generality thereof, a person shall be deemed to display an advertisement if—

- (a) the advertisement is displayed on immovable property of which he is the owner or occupier; or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns;

Provided that a person shall not be guilty of an offence under the last preceding subsection by reason only that an advertisement is displayed on immovable property of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

Compulsory acquisition of land

20.—(1) Where a preservation order is in force in respect of a building, group of buildings or area, and it appears to the Chief Officer that reasonable steps are not being taken for properly preserving the building, group of buildings or area, such immovable property, building, group of buildings or area may be compulsorily acquired.

(2) Any compulsory acquisition under the preceding subsection shall be carried out in accordance with the provisions of the Land Acquisition Ordinance.

(3) Subject to the provisions of this Ordinance—

- (a) the provisions of the Land Acquisition Ordinance shall apply to any immovable property, building, group of buildings or area compulsorily acquired for the purposes of this Ordinance;
- (b) the amount of compensation payable shall be determined in accordance with the rules laid down in the Land Acquisition Ordinance.

(4) Notwithstanding the provisions of any other Ordinance, the acquiring authority may make available any immovable property compulsorily acquired for the purposes of this Ordinance, to any body, authority or person for the attainment of the purposes for which it was compulsorily acquired, upon such terms and conditions as the acquiring authority may determine.

(5) For the purposes of this section “immovable property” shall have the same meaning as in section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance.

21. Where in respect of an interest in immovable property (hereinafter referred to as “the relevant interest”) a claim is made for compensation arising out of the compulsory acquisition of that interest, then in calculating the amount of compensation due under the claim no account shall be taken of any increase in the value of the relevant interest attributable to the provisions of any policy relating to development or the change of use in the area where the interest is situate or the carrying out of works at the public expense.

22.—(1) Where the object of the compulsory acquisition is achieved by the development of any immovable property, the acquiring authority may, if it considers it expedient, sell any property compulsorily acquired or part thereof, on condition that the offer of sale shall in the first instance be made to the former owner and agreement as to the sale price, the time and manner of payment thereof shall be reached within three months of the making of the offer.

(2) In either of the following cases, that is to say—

- (a) if the person to whom an offer under the preceding subsection has been made does not accept the same; or
- (b) if the person aforesaid, having accepted the said offer, does not pay the agreed price within a period of three months of such acceptance,

the acquiring authority may, subject to the provisions of the regulations made under the Land Acquisition Ordinance, sell such property by public auction.

23. Where any immovable property compulsorily acquired is disposed of under the provisions of any Ordinance in force for the time being and is subsequently required for the making or enforcement of a preservation order, such disposition shall not be deemed to prevent the compulsory acquisition of such immovable property for such purposes.

24.—(1) Where any immovable property has been compulsorily acquired for the making or enforcement of a preservation order and is for the time being held for the purposes for which it was acquired, and the carrying out of development on the immovable property will involve the displacement of persons residing in premises thereon, it shall be the duty of the acquiring authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons, available at reasonable terms, to secure the provision of such accommodation in advance of any displacement from time to time becoming necessary as the development proceeds.

(2) If the Chief Officer certifies that possession of a house or premises which have been compulsorily acquired for the purposes of subsection (1), is immediately required for those purposes, nothing in any Ordinance in force at the time being shall prevent the acquiring authority from obtaining possession of the house or premises.

Compensation

25. The matters for which provision may be made under section 7 of this Ordinance by a preservation order, or under section 8 of this Ordinance by a tree protection order, include the payment, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage caused or expenditure incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

26. Where, for the purpose of complying with any regulations made under section 9 of this Ordinance, works are carried out by any person—

- (a) for removing an advertisement which was being lawfully displayed on the day on which the regulations came into operation; or
- (b) for discontinuing the use for the display of advertisements of a site lawfully used for that purpose on the that day, that person shall, on a claim made within the time and in the manner prescribed by regulations, be entitled to recover compensation in respect of any expenses reasonably incurred by him in that behalf.

27.—(1) The provisions of this section shall have effect where an order is made under section 6 of this Ordinance requiring a use of immovable property to be discontinued, or imposing conditions on the continuance thereof, or requiring any building or works on immovable property to be altered or removed.

(2) If, on a claim made to the Chief Officer within the time and in the manner prescribed by regulations, it is proved that any person has suffered damage in consequence of such an order by material decrease in the economic value of an interest in the immovable property to which he is entitled, or by being disturbed in the enjoyment of the immovable property, compensation shall be payable in respect of that damage.

(3) Without prejudice to the provisions of the last preceding subsection, any person who carries out any works in compliance with such an order shall be entitled, on a claim made in the manner prescribed by regulations made under this Ordinance, to recover compensation in respect of any expenses reasonably incurred by him in that behalf.

Power of entry

28.—(1) Any person authorised by the Chief Officer may, at any reasonable time enter upon and inspect, survey, dig into, assess the value of or do any other act in or upon any immovable property for any of the purposes of this Ordinance:

Provided that no such person shall enter—

- (a) any dwelling house, without first having obtained a warrant authorising such entry from the Court;
- (b) any premises or any building other than a dwelling house, without previously giving to its occupier eight days' written notice of the intended entry;
- (c) any other immovable property, without previously giving to its occupier one day's written notice of the intended entry,

unless its occupier consents in writing to such entry.

(2) Where any damage is caused to any movable or immovable property by any person acting in accordance with the preceding subsection, the owner or occupier of the said property shall be entitled to receive such compensation as may be agreed by him with the Chief Officer, or in default of such agreement, such compensation as may be determined by the Court.

Regulations

29.—(1) The Administrator may make regulations for the better carrying out of this Ordinance.

(2) Without prejudice to the generality of the preceding subsection, any such regulations may provide for all or any of the following matters, that is to say—

- (a) for prescribing the form of any application, notice, order, direction or other document authorised or required under this Ordinance to be made, issued, or served and for prescribing the manner in which and the time at which such application, notice, order, direction or other document shall be made, issued or served;
- (b) for prescribing the time limits and procedure in relation to appeals under this Ordinance;
- (c) for prescribing fees or charges in respect of any application, or any act, matter or thing to be made under the provisions of this Ordinance;
- (d) for any purpose for which regulations are authorised or required to be made under this Ordinance, and in particular for prescribing anything which by this Ordinance is required or authorised to be prescribed by regulations;
- (e) for the regulation of various matters arising in the course of the application of the provisions of this Ordinance to any area or areas;
- (f) for the procedure in respect of application for, grant and determination of, compensation;
- (g) generally for the better carrying out of the provisions of this Ordinance.

Offences and penalties

30.—(1) Any person who—

- (a) wilfully obstructs or interferes with any person in the exercise of any of his powers or the performance of any of his duties under this Ordinance;
- (b) knowingly makes any false or incorrect statement in relation to any document made or produced under or for the purposes of this Ordinance or for the purposes of any order thereunder;
- (c) fails or refuses to produce any information, return or other document required under or for the purposes of this Ordinance ,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand pounds or to both such imprisonment and fine.

(2) Any person who—

- (a) commences any development or does any act or causes or allows any development or act to be carried out or done in contravention of the provisions of this Ordinance or of any regulations, order, notice or direction made thereunder;
- (b) fails to comply with any obligation or condition imposed upon him by any regulation, order, notice or direction made or given under this Ordinance or to do any act or execute any work when required to do so under this Ordinance or under any regulation, order, notice or direction,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding eighteen months or to a fine not exceeding five thousand pounds or to both such imprisonment and fine.

(3) For the avoidance of any doubt, the provisions of the last preceding subsection shall apply to any owner of immovable property, to any person having any immovable property under his control and to any architect, engineer, building contractor or any other person carrying out any development of any immovable property for and on behalf of the owner thereof.