

*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.*

<b>Legislation incorporated in this Consolidation</b>	<b>Ordinance</b>	<b>Date in Force</b>
Prevention of Fires in Open Country Ordinance, 1989	13/1989	07/07/1989
Prevention of Fires in Open Country (Amendment)(No.1) Ordinance, 1991	8/1991	11/06/1991
Prevention of Fires in Open Country (Amendment) Ordinance, 2000	27/2000	06/12/2000
Prevention of Fires in Open Country (Amendment) Ordinance, 2002	35/2002	19/11/2002
Prevention of Fires in Open Country (Amendment) Ordinance, 2004	19/2004	06/08/2004
Prevention of Fires in Open Country (Amendment) Ordinance, 2006	17/2006	10/10/2006
Prevention of Fires in Open Country (Amendment) Ordinance, 2010	10/2010	26/03/2010
Prevention of Fires in Open Country (Amendment)(No.2) Ordinance, 2010	20/2010	05/07/2010
Prevention of Fires in Open Country (Amendment) Ordinance, 2014	3/2014	15/01/2014
Forest Ordinance	26/2014	08/08/2014
Prevention of Fires in Open Country (Amendment) Ordinance, 2014	37/2014	18/12/14

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## P R E V E N T I O N   O F   F I R E S   I N   O P E N   C O U N T R Y O R D I N A N C E   1 9 8 9

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## PREVENTION OF FIRES IN OPEN COUNTRY ORDINANCE 1989

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An Ordinance to provide for the Prevention and Extinction of Fires in Open Country

**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 Prevention of Fires in Open Country Ordinance, 1989.

### Interpretation

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

*“the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Area; (a)*

*“Fire officer” has the same meaning as in the Fire Service Ordinance 2010(b); (c)*

*“Forest Officer” has the meaning assigned to such expression by the Forest Ordinance (d);*

*“local administration authority” means an Improvement Board or a Village Commission;*

*“owner” means any person who actually occupies immovable property notwithstanding the capacity in which he occupies such property, or, where the property is not occupied, the person entitled to occupy it but does not include the Crown in any capacity or an Authorised Service Organisation as defined in the Treaty of Establishment;*

~~*“open country” means any part of the Sovereign Base Areas which is found*~~

~~*(a) outside the boundaries of a state forest; and*~~

~~*(b) outside the inhabited area of any improvement area or village boundaries;*~~

~~*but does not include landed property which is used for work or residence and the surrounding ground, or any property owned or occupied by the Crown in right of Her Majesty’s Government in the United Kingdom, (e)*~~

*“open country” means any part of the Sovereign Base Areas which is found outside the inhabited area of any improvement area or village boundaries but does not include-*

*(a) a state forest, or*

*(b) any place within ~~one kilometre of the demarcation line~~, 2 kilometres of the boundary.(f)*  
*of a state forest*

*(c) any landed property which is used for work or residence and the surrounding ground,~~or any property owned or occupied by the Crown in right of Her Majesty’s Government in the United Kingdom.~~ (g)*

*“police officer” has the meaning assigned to such expression by the Police Ordinance (h);*

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(a) Definition inserted by Ordinance 3/2014 – came into force on 15 January 2014

(b) Ordinance 4/2010

(c) Definition inserted by Ordinance 10/2010 – came into force on 26 March 2010

(d) Ordinance 14/1980, as amended

(e) Definition deleted and substituted by Ordinance 8/1991 – came into force on 11 June 1991

(f) Text deleted and new text inserted by Ordinance 26/2014 – came into force on 08 August 2014

(g) Text deleted by Ordinance 3/2014 – came into force on 15 January 2014

(h) Ordinance 9/1967 as amended

“state forest” has the meaning assigned to such expression by the Forest Ordinance (a).

### **Requisitioning of services for extinguishing a fire**

~~3.—(1) Where a fire breaks out in open country, the Area Officer or any officer designated in writing by him as his representative for the purposes of this Ordinance, any forest officer or police officer, the Area Officer (or anyone representing him), a forest officer, a fire officer or a police officer (b) may summon any male person who is of or above the age of eighteen years, who –~~

- (a) happens to be within a 30 kilometre radius from the point where the fire broke out; or
- (b) has in his possession or under his charge any motor vehicle including a tractor or excavator within a 30 kilometre radius from the point where the fire broke out, to assist in the exercise of extinguishing the fire, in compliance with his directions:

Provided that the Head or any other member of the local administration authority, within the boundaries of which the fire broke out, or the rural constable of the Area, may summon any man who is of or above the age of eighteen years, who –

- (a) happens to be within the boundaries of the said area; and
- (b) has in his possession or under his charge any motor vehicle including a tractor or excavator within the aforesaid boundaries;

to assist in the exercise of extinguishing the fire in compliance with his directions.

(2) The water from any reservoir, well or other water source in the Areas may be made use of for the purpose of extinguishing a fire in open country if such water source is situated within a 30 kilometre radius from the site of the fire. The owner of the water or any person in whose charge such water happens to be, must allow its use for this purpose.

(3) Any person who is summoned to offer assistance by virtue of subsection (1) of this Section shall be recompensed in accordance with the nature of the assistance offered, as determined by the Area Officer and based on the prevailing rates applicable in the relevant Area or adjacent district of the Republic for similar services.

(4) Any person who either fails or refuses, without reasonable excuse, to assist in the exercise of extinguishing a fire when summoned for this purpose in accordance with subsection (1) of this Section, or refuses to allow the use of water according to subsection (2) of this Section, shall be guilty of an offence and shall be liable on conviction to the payment of a fine not exceeding two hundred and fifty pounds.

### **Requisites for lighting a fire in open country (c)**

~~4.—(1) During the period from 1<sup>st</sup> April to 31 October inclusive, every year, no person shall be allowed to light a fire on any site in open country, either on private land or otherwise, unless he has secured for this purpose a written permit from an Area Officer or the local administration authority of the area between the boundaries of which, the fire shall be lighted.~~

~~(2) Where that part of the open country where a fire were to be lighted is situated at a distance less than one kilometre from the demarcation line of a state forest, then the permit referred to in section (1) of this Section shall only be granted by the Area Officer.~~

~~(3) Any written permit which is issued under subsections (1) and (2) of this Section may comprise conditions and restrictions in relation to the lighting and the handling of a fire and such conditions and restrictions must be observed by the permit holder.~~

~~(4) Notwithstanding the provisions of the aforesaid subsections (1) and (2), no permit shall be required for lighting a minor fire in open country for the purpose of preparing or heating food, nevertheless, any person who proceeds to such an action must take satisfactory precautions for~~

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(a) Ordinance 14/1980 as amended

(b) Text deleted and new text inserted by Ordinance 10/2010 – came into force on 26 March 2010

(c) Section 4 repealed and substituted by Ordinance 8/1991 – came into force on 11 June 1991

~~preventing the spreading of such fire and must have available all necessary means for extinguishing it immediately after its use.~~

***Prerequisites for lighting a fire (a)***

~~4.—(1) Subject to the provisions of the Forest Ordinance, between the 1<sup>st</sup> of April and the 31<sup>st</sup> of October every year, it shall be prohibited for any person to light a fire on any site in open country, whether on private land or otherwise, unless such person has secured for this purpose a written permit from an Area Officer or the local administration authority of the area within the boundaries of which the fire shall be lighted:~~

~~Provided that no such permit shall be required for lighting a minor fire in open country for the purpose of preparing or heating food:~~

~~Provided further that any person who lights such a fire must take adequate precautions for preventing it spreading and must have available all necessary means for extinguishing it immediately after use.~~

~~(2) Any written permit issued under subsection (1) of this Section may comprise conditions and restrictions in relation to the lighting and handling of a fire and such conditions and restrictions must be observed by the permit holder.~~

***Prerequisites for lighting a fire (b)***

~~4.—(1) It shall be prohibited for any person to light a fire in any part of open country and at any time of the year, whether on private land or not, except in the following cases:—~~

~~(a) a person may light a fire for the preparation or heating of food, without a permit and at any time of the year, provided he takes sufficient precautionary measures to prevent the spreading of the fire and to have at his disposal all necessary means for extinguishing the fire fully after its use; and~~

~~(b) a person may light a fire in open country for the purposes mentioned in subparagraph (i) and (ii) below, provided a permit to that effect is previously obtained from the local authority, within the limits of which the site where the fire is to be lighted is situate, and the fire shall at all times be under the supervision of the said local authority—~~

~~(i) during the months of December and January only, for the purpose of burning out branches of trees, vineyards and fruit trees, and~~

~~(ii) throughout the year for the burning of trees and plants which have been infected by a disease, that is to say, in the times of emergency.~~

***Prerequisites for lighting a fire***

4.—(1) No person shall light a fire on any site in open country, except in accordance with subsection (2) and (4).

(2) A person may light a fire in open country for a purpose falling within subsection (3) if:

(a) he first obtains a permit from the Area Officer; and

(b) he ensures that the fire is at all times under the supervision of the Area Officer.

(3) The purpose referred to in subsection (2) are:

(a) during the months of December and January only, the purpose of burning cuttings from vines or from fruit trees; and (c)

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(a) Section 4 repealed and substituted by Ordinance 19/2004 – came into force on 06 August 2004

(b) Section 4 repealed and substituted by Ordinance 17/2006 – came into force on 06 October 2006

(c) Section 4(3)(a) repealed and replaced by Ordinance 20/2010 – came into force 5 July 2010 and expired 15 March 2012

- ~~(a) during the period from 1 December to 15 March, the purpose of burning cuttings from vines, from olive trees or from fruit trees; (a)~~
- (a) during the period starting on 1 December and ending on 15 March for the purpose of burning, cuttings from vines, from olive trees or from fruit trees; or
- (b) at any time of the year, the purpose of burning diseased trees or plants in an emergency.
- (4) A person may light a fire in open country at any time of the year without a permit if:
- (a) he does so solely for the preparation or heating of food; and
- (b) he takes sufficient precautionary measures to prevent the spreading of the fire and to have at his disposal all necessary means for extinguishing the fire fully after use.
- (5) For the purposes of this section it is immaterial whether a site in open country is on private land or not.
- (6) By order made as a public instrument, the Chief Officer may shorten the period specified in subsection (3)(a), but the shorter period must include the months of December and January. **(b)**

**4A.**—(1) Where charcoal is produced within the boundaries of a local administrative authority, the authority shall within six months of the commencement of this Ordinance and in conjunction with the Area Officer concerned, establish a special site for the safe operation of any furnace used in the production thereof.

(2) From the date of the establishment of any such special site as is provided for in subsection (1) above, it shall be prohibited to operate any furnace for the purpose of producing charcoal in a place other than the said site.

(3) Any person who operates a furnace in contravention of subsection (2) above, shall commit an offence against this Ordinance and shall be liable on conviction to imprisonment not exceeding two years or to a fine not exceeding two thousand pounds or to both such penalties. **(c)**

## Offences and penalties

### 5. Any person who—

- (a) ~~During the period specified in subsection (1) of Section 4 of this Ordinance lights a fire in open country without a permit issued under the provisions of the said Section; or (d)~~
- (a) lights a fire in the open country in contravention of section 4 of this Ordinance;
- (b) abandons an inextinguished fire which he lighted in open country; or
- (c) throws down a lighted match or cigarette or other object which may cause fire in open country; or
- (d) causes a fire in open country **(e)** due to—
- (i) the careless or negligent use of a match, cigarette or other inflammable substance or to lack of necessary precautions in that regard; or
- (ii) inadequate or faulty functioning of any motor vehicle or other engine of which he makes use;
- (e) ~~does not comply with the conditions stipulated in any permit referred to in subsection (1) and (2) of Section 4 of this Ordinance, (f)~~

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(a) Section 4(3)(a) repealed and replaced by Ordinance 3/2013 – came into force 1 February 2013 and expired 16 March 2014

(b) Subsection (6) inserted by Ordinance 37/2014 – came into force on 18 December 2014

(c) Section 4A inserted by Ordinance 27/2000 – came into force on 06 December 2000

(d) Paragraph (a) deleted and substituted by Ordinance 19/2004 – came into force on 06 August 2004

(e) Text inserted by Ordinance 8/1991 – came into force on 11 June 1991

(f) Paragraph (e) deleted by Ordinance 19/2004 – came into force on 06 August 2004

shall be guilty of an offence and shall be liable on conviction to punishment by imprisonment not exceeding ~~one year~~ *three years* (a) or to a fine not exceeding ~~one thousand five hundred~~ (b) pounds or to both such imprisonment and fine.

### **Reclaiming of expenses incurred in extinguishing a fire**

6. All expenditure incurred in extinguishing and preventing the spreading of any fire in open country, shall be payable in the first instance by the Crown:

Provided that if any fire in open country has been caused by a person whose identity is known, the Area Officer may claim from such person the whole or part of the expenditure which may have been incurred under this Section, as the Area Officer may at his discretion consider just, taking into account the degree of negligence or culpability of such person.

### **Fireproof zones**

7.—(1) The Area Officer may require from any local administration authority, the formation and maintenance, within that part of the improvement area or village where its authority operates, which lies within the Sovereign Base Areas of fireproof zones which the Area Officer may consider necessary for preventing the spreading of fire. The areas where such zones are to be formed and the dimensions of such areas, shall be indicated by the Area Officer.

(2) If any local administration authority fails to comply with the demand of the Area Officer regarding the formation and maintenance of a fireproof zone, such zone may be created or extended, by the acquisition of land for the purposes of this Section, under the provisions of the Land Acquisition Ordinance (c), on behalf of the Area Officer as Acquiring Authority. Such acquisition shall be without prejudice to the generality of the Land Acquisition Ordinance and in relation to such acquisition, the purpose of this Section shall be deemed to be a public purpose as defined in the said Ordinance.

### **Regulations**

8.—(1) The Administrator may issue Regulations which shall be published in the Gazette for the better application of this Ordinance.

(2) Without prejudice to the generality of subsection (1) of this Section, in these Regulations there may be included provisions relating to the establishment and operation of a Corps of Firemen or the setting of spark checking devices in certain types of Motor Vehicles or agricultural machines.

### **~~This Ordinance not to bind the Crown (d)~~**

~~9. Without prejudice to any other specific provisions of this Ordinance, this Ordinance shall not bind the Crown in any capacity:~~

~~Provided that landed property shall not be excluded from the definition of “open country” in Section 2 of this Ordinance solely because it is owned by the Crown in right of the Sovereign Base Areas Administration.~~

### ***Application to Crown land***

*9.—(1) Subject to subsection (2), this Ordinance applies to Crown land.*

*(2) Section 4 does not apply to a fire on Crown land where the person lighting the fire is—*

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(a) Amended by Ordinance 35/2002 – came into force on 19 November 2002

(b) Amended by Ordinance 35/2002 – came into force on 19 November 2002

(c) CAP.226 Laws of Cyprus as amended

(d) Section 9 repealed and substituted by Ordinance 3/2014 – came into force on 15 January 2014

- (a) acting in the course of service of, or employment by, the Crown; or*
- (b) engaged in duties directly related to activities regulated by the Ministry of Defence.*

*(3) For the purpose of this section, “Crown land” means land which is owned or occupied by the Crown, including land owned by the Crown solely in right of its administration of the Areas.*

***Delegation to the Republic (a)***

***10.—(1) The power conferred on a fire officer by section 3(1) is a modified general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007 (b).***

*(2) The modification applicable to a delegation under subsection (1) is that section 17 of the 2007 Ordinance does not apply in respect of a 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)** Section 10 inserted by Ordinance 10/2010 – came into force on 26 March 2010  
**(b)** Ordinance 17/2007