



SUPPLEMENT No. 2
T O
THE SOVEREIGN BASE AREAS GAZETTE
No. 683 of 30th April, 1984.
L E G I S L A T I O N

ORDINANCE 7 OF 1984.

AN ORDINANCE

TO AMEND AND CONSOLIDATE THE LEGISLATION RELATING
TO THE CONSTRUCTION OF STREETS AND THE ERECTION
OF BUILDINGS IN THE SOVEREIGN BASE AREAS, 1984.

H. D. A. LANGLEY,
ADMINISTRATOR

11th April, 1984.

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

1. This Ordinance may be cited as the Streets and Buildings Regulation (Consolidation) Ordinance, 1984.

Short title.

2. In this Ordinance—

Interpretation.

“alteration”, “addition” or “repair”, when used with reference to buildings, means any structural alteration, addition or repair whereby any dimension of such building is altered but shall not include—

- (a) the replacing of tiles, mud or other material in order to render any roof watertight ;
- (b) the repair of any existing door the leaves of which do not open or project into a street ;
- (c) the repair of any window, balcony or verandah which does not open or project into a street ;
- (d) the white-washing, colour-washing, plastering or painting of any wall, ceiling, woodwork or ironwork in any building ;

- (e) the relaying, re-boarding or re-paving of any floor or pavement contained within the external walls of any building or within any existing balcony or verandah attached to the building but which does not open or project into a street ;

“appropriate authority” means the appropriate authority constituted or appointed under the provisions of subsection (2) of Section 3 of this Ordinance, exercising powers in relation to any relevant matter under the provisions of this Ordinance within the area in respect of which it is constituted or appointed ;

“approved use” means the use of a building as authorised in a building permit and as indicated on the approved plans :

Provided that the use of a building on the date of the coming into operation of this Ordinance shall be deemed to be an approved use if such use is not contrary to the conditions of the building permit already issued and the approved plans relating thereto ;

“appropriate office” in relation to the registration of any land means either the Area Office of the Area in which the land is situated or where an Order has been made by the Administrator under Section 3 of Ordinance 4 of 1976, the Powers and Duties (Officers of the Republic of Cyprus) (Consolidation) Ordinance, 1976 in relation to such registration the appropriate Republican place as defined in Section 4 of that Ordinance ;

“building” means any construction, whether of stone, concrete, mud, iron, wood or other material, and includes any pit and any foundation, wall, roof, chimney, verandah, balcony, cornice or projection of part of a building, or anything affixed thereto, or any wall, earthbank, fence, paling or other construction enclosing or delimiting or intended to enclose or delimit any land or space ;

“street” includes any road, bridle-path, pathway, blind alley, passage, footway, pavement or public square.

3.—(1) No person shall—

- (a) lay out or construct a street ;
- (b) erect, or suffer or allow to be erected a building or demolish or reconstruct or make any alteration, addition or repair to any existing building, or suffer or allow any such demolition or reconstruction or any such alteration, addition or repair to be made ;
- (c) lay out or divide any land (irrespective of whether any buildings, other than buildings used solely for agriculture or forestry, exist thereon or not) into separate sites ;
- (d) divide any building (irrespective of whether any such division necessitates any construction or not) into separate tenements ;
- (e) alter the approved use of a building ;

Layout, etc., of streets and erection, etc., of buildings prohibited without permit of appropriate authority.

(f) start to do any of the works or matters hereinbefore set out,

without a permit in that behalf first obtained from the appropriate authority.

(2) The appropriate authority within each Area shall be the Area Officer of that Area.

4. Without prejudice to the provisions of Section 21 of this Ordinance, no permit shall be granted under Section 3 of this Ordinance unless the appropriate authority is satisfied that the contemplated work or other matter in respect of which the permit is sought is in accordance with the provisions of this Ordinance and the Regulations in force for the time being.

Proposed works to comply with the Ordinance and Regulations.

5. No permit shall be granted under Section 3 of this Ordinance for the erection of a building on land, which was divided or partitioned and to which the provisions of paragraph (b) or (c) of subsection (1) of Section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance are applicable.

Prohibition of building on certain land which has been divided or partitioned.

Cap. 224 (Laws of Cyprus) Ordinances 3/60, 12/66.

6. A permit shall be valid for one year from the date of the issue thereof :

Duration of permit and renewal.

Provided that, if the work or other matter is not completed within that period, the permit shall be renewable at any subsequent time if not conflicting with any Regulations in force at the time of such renewal, upon payment of the fee prescribed for the original permit or of two pounds whichever is the less. The permit so renewed shall be valid for one year from the date of renewal.

7.—(1) The appropriate authority in granting a permit to lay out a street under Section 3 of this Ordinance, may impose a condition that the permit holder shall construct the street within such time as may be specified in the permit or shall deposit with the appropriate authority such sum of money as in the opinion of the appropriate authority would be the proportionate share of the permit holder in the estimated cost of constructing the street as a whole, having regard to the length of the frontage of his property abutting on such street.

Power to require construction of street or deposit of proportionate share in cost of construction.

(2) Every sum of money deposited with the appropriate authority as in subsection (1) of this Section provided, shall be utilized by the appropriate authority for the construction of the street in respect of which such deposit was made.

8. Where the demolition, alteration or repair of any building is rendered necessary in order to secure the safety of the building or of any other building in close proximity thereto or of any passenger on any street and it is not reasonably possible to obtain a previous permit therefor, such demolition, alteration or repair may be effected forthwith provided that notice therefor in writing shall be given to the appropriate authority within twenty-four hours of the arising of any such necessity.

Demolition of buildings in dangerous state.

9. Before granting a permit under Section 3 of this Ordinance, the appropriate authority may require the production of such plans, drawings and calculations or may require to be given such

Plans etc., to be produced.

description of the intended work as to it may seem necessary and desirable and may require the alteration of such plans, drawings and calculations so produced, particularly—

- (a) with the object of securing proper conditions of health and safety in connection with the building to which such plans, drawings and calculations relate ;
- (b) with a view to preserving the uniform or proper character and style of buildings erected or to be erected in the area in which the plot is situated ;
- (c) with the general object of securing proper conditions of health, sanitation, safety, communication, amenity and convenience in the area in which the intended work is to be carried out ;
- (d) with the object of ensuring further improvement of the road network in the area.

Conditions
by appropriate
authority.

10.—(1) In granting a permit under the provisions of Section 3 of this Ordinance, the appropriate authority shall have power, subject to any Regulations in force for the time being, to impose conditions as hereinafter, to be set out in the permit, that is to say—

- (a) with regard to the laying out or the construction of a street, conditions as to—
 - (i) its width, length and position;
 - (ii) its level, inclination and drainage ;
 - (iii) the materials of which and the manner in which it shall be constructed ;
 - (iv) the construction of bridges, culverts, kerbs, side ditches and sidewalks ;
 - (v) the widening of any street which adjoins the street to which the application relates ;
 - (vi) the securing of sites for power sub-stations where appropriate ;
 - (vii) the provision of public parks ;
 - (viii) the planting of trees and bushes where appropriate ;
 - (ix) the construction of underground trenches and the installation of electric cables where appropriate ;
 - (x) the installation of street lighting where appropriate;
 - (xi) the conveyance, installation and continuous supply of wholesome water which shall be in adequate quantities, as well as the proper and satisfactory maintenance and operation of the aforementioned installation and water supply system :

(b) with regard to the erection of any new building or addition, alteration or repair to any existing building, conditions as to—

- (i) the materials of which any external wall, foundation, roof, chimney or other external portion of a building shall be constructed and the size and thickness thereof ;
- (ii) the materials of which any internal portion of a building so far as it affects the stability of the building, shall be constructed ;
- (iii) the provision to be made for drainage and sewerage;
- (iv) the provision to be made for the prevention or the spreading of any fire in any building ;
- (v) the width of any balcony or erection projecting over a street upon which such building abuts ;
- (vi) wells, waterclosets, earthclosets, privies, pits, septic tanks, soakaways and cesspools in or in connection with any building ;
- (vii) the ventilation, lighting and sanitation of any building in regard to its occupation as a dwelling house or for any other purpose for which it may be erected or intended ;
- (viii) the use to which the building may be put ;
- (ix) the safety and comfort of persons employed in the erection of the building or living therein or passing by ;
- (x) the construction of suitable pavements in connection with any new building ;
- (xi) the provision of an adequate and wholesome water supply and, with the exception of a single house which does not form part of a building or group of buildings or a block of buildings or of any other building development, terms with regard to the conveyance, installation and continuous supply of wholesome water in adequate quantities, as well as terms with regard to the appropriate and satisfactory maintenance and operation of the aforementioned water supply :

Provided that in taking any decision as to the adequacy of a water supply as hereinbefore provided the requirements of the whole area from which the supply is provided shall be taken into consideration :

Provided further that this sub-paragraph shall not apply in the case of buildings on plots resulting from the division of land in accordance with a valid permit obtained under this Ordinance and the Regulations made thereunder ;

- (xii) the erection of power sub-stations where appropriate ;
 - (xiii) the widening, extension and construction of the road network where appropriate ;
 - (xiv) the construction of underground shelters which, at the direction of the appropriate authority, are necessary for the safety of people in the event of an emergency ;
- (c) with regard to the laying out or division of any land for building purposes, conditions as to—
- (i) the demarcation and size of boundary marks ;
 - (ii) the conveyance, installation and continuous supply of wholesome water which shall be in adequate quantities, as well as the proper and satisfactory maintenance and operation of the aforementioned installation and water supply system :

Provided that in taking any decision as to the adequacy of a water supply as hereinbefore provided the requirements of the whole area from which the supply is provided shall be taken into consideration ;

- (iii) the diversion of natural and artificial water courses ;
- (iv) the levelling of the site ;
- (v) the construction of streets, bridges, culverts, side ditches and sidewalks ;
- (vi) the widening of any street upon which the land, to which the application relates, abuts ;
- (vii) the securing of sites for power sub-stations where appropriate ;
- (viii) the securing of public parks ;
- (ix) the planting of trees and bushes where appropriate ;
- (x) the construction of underground trenches and the installation of electric cables where appropriate ;
- (xi) the installation of street lighting where appropriate.

(2) Where an application is made under paragraph (c) of sub-section (1) of Section 3 of this Ordinance in respect of any land having a frontage on an existing road, the appropriate authority may refuse to grant a permit to divide that land unless the application includes the laying out of sites not fronting on to the existing road ; and the number of such sites shall be in such proportion to the number of sites fronting on the existing road as the appropriate authority may at its discretion deem desirable.

(3)—(a) Whenever an application is made—

- (i) under the provisions of paragraph (a) or (c) of subsection (1) of Section 3 of this Ordinance in respect of any land ; or
- (ii) under the provisions of paragraph (b) or (d) of subsection (1) of Section 3 of this Ordinance in respect of any building, with the exception of a single house which does not form part of a building or a group of buildings or any other building development,

which is situated outside an area of water supply, the appropriate authority shall not grant a permit in respect of the said land or building unless the Chief Officer is consulted and is fully satisfied that the conditions referred to in sub-paragraph (ii) of paragraph (c) or of sub-paragraph (xi) of paragraph (a) of subsection (1) of this Section in respect of any land or that the condition referred to in sub-paragraph (xi) of paragraph (b) of subsection (1) of this Section in respect of any building, as the case may be, have been complied with to the satisfaction of the appropriate authority or compliance thereto is ensured in the manner prescribed above ;

- (b) the appropriate authority shall not grant any permit under the provisions of Section 3 of this Ordinance, unless it is satisfied that the applicant has complied with the provisions of this Ordinance or any other Ordinance in force for the time being or regulation relating to the supply and distribution of water ;
 - (c) for the purposes of this Section “area of water supply” means any area in which a Water Board of the Republic has power to supply water under any Republican legislation in force for the time being and includes any other area which the Area Officer may define for the purposes of this Section.
- (4) (a) No permit shall be granted by the appropriate authority for any work referred to in paragraph (a) or (c) of subsection (1) of Section 3 of this Ordinance, in relation to any land situated outside the area of water supply, unless the appropriate authority after obtaining the advice of the Chief Officer, is satisfied that this will contribute to the improvement of existing housing estates or to the completion of the road network within the areas to be developed or to other development :

Provided that the appropriate authority may, in the public interest, with the agreement of the Chief Officer decide not to require the application of any of the prerequisites referred to above, if it so deems fit, taking into account the special circumstances of any case.

- (b) No permit shall be granted by the appropriate authority for any work contemplated in paragraph

(b) of subsection (1) of Section 3 of this Ordinance, with regard to the erection of any building situated outside the area of water supply, excluding single buildings, ground storey buildings or four-storey buildings which do not form part of any building or group of buildings or a building complex or any other building development, unless the appropriate authority, after obtaining the advice of the Chief Officer, is entirely satisfied that with regard to the proposed building, the following prerequisites are met, namely:

- (i) it will contribute to the consolidation or improvement of existing housing estates or to the completion of the road network within the areas to be developed or to the requisite tourist or other unified development :

Provided that the appropriate authority may, in the public interest, with the agreement of the Chief Officer, decide not to require the application of any of the prerequisites referred to above, if it so deems fit, taking into account the special circumstances of any case ;

- (ii) it will be used in such a manner as not to affect adversely public health or the amenities of residents in the area.

- (c) For the purposes of this subsection "area of water supply" shall have the meaning assigned to it in paragraph (c) of subsection (3) of this Section.

Certificate
of approval.

11.—(1) Notwithstanding that a permit has been granted for a building under Section 3 of this Ordinance, no person shall occupy or use, or cause, permit, or suffer any other person to occupy or use, any building unless and until a certificate of approval has been issued in respect thereof by the appropriate authority.

(2) The holder of a permit shall, not later than twenty-one days from the completion of the work or matter in respect of which the permit has been granted under the provisions of Section 3 of this Ordinance, notify the appropriate authority of such completion and such authority, if satisfied that the work or matter has been duly completed in accordance with the permit, shall furnish the holder with a certificate of approval of the work or other matter in respect of which the permit has been granted :

Provided that the appropriate authority may, where it so thinks fit and is satisfied that all requirements of this Ordinance and the Regulations in force for the time being are complied with, furnish the holder of the permit with a certificate of approval for part only of the work or matter.

Control
of streets.

12. Every street constructed by virtue of a permit granted under the provisions of Section 3 of this Ordinance shall, as soon as the certificate of approval has been granted, be deemed to be a public street and shall come under the control of the Administration and the expense of repairing and maintaining such street shall be borne by the Administration.

13.—(1) Notwithstanding anything contained in this Ordinance, an appropriate authority may, with the object of widening or straightening any street, prepare or cause to be prepared plans showing the width of such street and the direction that it shall take.

Special provisions relating to widening or straightening of streets.

(2) When any plans have been prepared under subsection (1) of this Section, the appropriate authority shall deposit such plans in its office and shall also cause a notice to be published in the Gazette and in one or more local newspapers to the effect that such plans have been prepared and deposited in its office and are open to inspection by the public and such plans shall be open to the public for inspection, at all reasonable times, for a period of twenty-five days from the date of the publication of the notice in the Gazette.

(3) At the expiration of the period set out in subsection (2) of this Section, the plans shall, subject to any decision by the Administrator on appeal as in Section 20 provided, become binding on the appropriate authority and on all persons affected thereby and no permit shall be issued by the appropriate authority save in accordance with such plans.

14.—(1) Where a permit is granted by an appropriate authority and such permit entails a new alignment for any street, in accordance with any plan which has become binding under Section 13 of this Ordinance, any space between such alignment and the old alignment, which is left over when a permit is granted, shall become part of such street without the payment by the appropriate authority of any compensation whatsoever :

Space between new and old alignments to be part of street.

Provided that, if it is established that hardship would be caused if no compensation were paid, the appropriate authority shall pay such compensation as may be reasonable having regard to all the circumstances of the case.

(2) When a permit is granted under subsection (1) of this Section the appropriate office shall, upon application by any interested party, cause the necessary amendments to the relative registrations to be effected and the amended registration shall be held final notwithstanding that any certificate relating thereto remains unaltered.

15.—(1) The appropriate authority may, with the approval of the Administrator, by notice to be published in the Gazette, define zones—

Power to appropriate authority to define zones.

- (a) within which buildings for special trades or industries may or may not be erected or which shall be reserved exclusively for residential or other purposes ;
- (b) reserved exclusively for use as tourist zones within which only buildings of special character, type, design, external appearance and generally having such features as may conform with the general appearance and use of the area may be erected ;
- (c) within which buildings of a lesser value than that specified in the notice shall not be erected ;

- (d) within which the maximum number of storeys of buildings, or the maximum height of buildings or of any part thereof, or the maximum total area of all storeys of buildings taken together, or all or any of the foregoing, shall be regulated.

(2) Notwithstanding anything contained in this Ordinance, from and after the publication of a notice under subsection (1) of this Section, no permit shall be issued by the appropriate authority save in accordance with such notice :

Provided that if the appropriate authority declares itself to be satisfied that the public interest requires the issue of a permit, the Administrator, after receiving and considering such declaration, may, in his absolute discretion, authorise the appropriate authority to issue a permit otherwise than in accordance with such notice :

Provided further, and without prejudice to the operation of the first proviso to this subsection, if the Administrator is satisfied that the public interest requires the issue of a permit he may direct that such a permit be issued by the appropriate authority otherwise than in accordance with such notice.

Power to close buildings unfit for human habitation.

16. The appropriate authority may by order close any building which in the opinion of the authority is unfit for human habitation on account of its insanitary, ill-ventilated or overcrowded condition or is dangerous for human habitation on account of its structural defects, and may prohibit the future use of the building for such habitation until it shall have been dealt with, rebuilt, altered or repaired in such manner as the authority shall determine.

Dangerous buildings.

17.—(1) Where an appropriate authority is satisfied that any building, within its area, whether under occupation or not, is in such a condition as to be dangerous to persons residing in the building or in adjoining buildings or to any passengers or to any adjoining building and that steps must be taken to remove such danger, such appropriate authority may promulgate a decision to this effect and thereupon the following provisions shall apply :—

- (a) the appropriate authority shall, by notice in writing served upon the owner, inform him of the decision taken and of the grounds in support thereof and require him, within a period specified in the notice which shall not be less than three days from the service thereof (in this Section referred to as 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 appropriate authority, would adequately remove any danger from such building ;
- (b) if, after service of the notice on the owner, he shall neglect to comply within the prescribed period with the requirements thereof, the appropriate authority may cause such works as they think appropriate to be done for effecting such repair, removal, protection or enclosure or effectuating the steps specified in the notice, and the expenses thereof shall be payable by the owner and may be recovered in a civil action as a civil debt :

Provided that no action shall be taken under this paragraph in respect of any building used or occupied as a dwelling house without an order of the Judge's Court, permitting entry into such building, and the taking of the proposed measures; subject to any Rules of the Judge's Court such order may be issued in proceedings commenced by application by summons according to the procedure laid down in respect thereof.

(2) For the purposes of this Section—

“owner” means the person who is registered or entitled to be registered as the owner of the building, and where such person is not in occupation of the building includes also the person in actual occupation thereof, as well as the agent of the owner;

“service” of notice is deemed to be effected if delivered to the owner or, where he is not in the Areas and his address is known, if sent to him at such address by double registered letter or, where the owner is not known or cannot be traced, if published in at least two daily newspapers of the language of the owner circulating in the Island of Cyprus within which the building is situated and posted up at a conspicuous part of the building.

18. No registration of any work or matter in respect of which a permit is required under the provisions of Section 3 of this Ordinance, shall be effected by the appropriate office unless the applicant produces a certificate of approval issued by the appropriate authority.

Registration.

19.—(1) For the purposes of this Section—

“owner” means the person registered or entitled to be registered in the books of the appropriate office as the owner of immovable property affected by a notice published under subsection (3) of this Section;

“proper construction, reconstruction and improvement of a street” includes the widening or reconstruction of the foundations of a street, proper provision for surface water drainage, the construction of pavements, and the asphaltting or paving of both carriageways and pavements but shall not include works of maintenance.

Construction,
reconstruction
and
improvement
of streets.

(2) Where an appropriate authority considers that a street should be properly constructed, reconstructed or improved, such authority may prepare plans and specifications for such work.

(3) When any plans and specifications have been prepared under subsection (2) of this Section, the appropriate authority shall deposit such plans and specifications in its office and shall cause a notice to be published in the Gazette and in one or more local newspapers to the effect that such plans and specifications have been prepared and deposited in its office and that such plans and specifications are open to inspection by the public, at all reasonable times, for a period of two months from the publication of the notice in the Gazette.

Such notice shall also state—

- (a) the estimated cost of the work ;
- (b) any unexpended sum of money deposited with the appropriate authority under Section 7 of this Ordinance ;
- (c) the names of the owners who will contribute to the cost ;
- (d) the proportion in which their contribution shall be made ;
- (e) the number of years over which such owners may pay their contribution in equal annual instalments.

(4) Any owner of immovable property affected by any plans and specifications prepared and deposited in accordance with subsection (3) of this Section may, within the period during which such plans and specifications are deposited for inspection, lodge an objection thereto in writing with the appropriate authority.

(5) After the expiration of the period during which the plans and specifications prepared and deposited for inspection under subsection (3) of this Section, the appropriate authority shall submit, through the Chief Officer, to the Administrator, a copy of the plans and specifications prepared and deposited under subsection (3) of this Section and of any objections submitted under subsection (4) of this Section for his consideration.

(6) If the Administrator, after considering any objection made, approves the plans and specifications submitted and considers it expedient having regard to all the circumstances that the appropriate authority should be permitted to construct, reconstruct or improve the street in question, the Administrator may approve such plans and specifications absolutely or subject to such modifications or conditions as he may deem fit and his decision shall be final.

(7) When the Administrator has granted his approval, notice thereof shall be published in the Gazette and the plans and specifications shall be binding on the appropriate authority and upon all owners affected.

(8) The cost of such construction, reconstruction or improvement, after the deduction of any unexpended sum of money deposited with the appropriate authority by a permit holder under the provisions of Section 7 of this Ordinance, shall be borne by the owners of immovable property abutting on such street, and such cost shall be apportioned amongst the owners affected according to the frontage of their respective immovable property which fronts or abuts the street in question :

Provided that the appropriate authority may reduce the amount of the cost to be apportioned amongst the owners affected by such percentage as the Administrator may approve :

Provided also that no such apportionment of cost shall be made in respect of any of the following immovable properties :—

- (a) places or buildings belonging to any religious community consecrated and used exclusively for public worship ;
- (b) cemeteries or burial grounds ;

- (c) land registered or recorded as common pasture grounds in the books of the appropriate office ;
- (d) land or open spaces recorded or assigned *ab antiquo* for the common use of a community ;
- (e) immovable property belonging to the Crown or the Republic ;
- (f) any immovable property in the Areas held in trust for any school in the Island of Cyprus established under any Ordinance or Republican law relating to the establishment or maintenance of schools.

(9) When the work of construction, reconstruction or improvement has been completed, an exact statement of the cost shall be published in the Gazette together with a final apportionment of the cost between the owners affected or between the appropriate authority and the owners affected, as the case may be. The proportion in such cost and the annual instalment on such proportion due by such owners shall be registered in the books of the appropriate office and shall be deemed to be a charge on the immovable property concerned and a tax due by such owners and shall be collected from each such owner in the manner prescribed in the Tax Collection Ordinance, and thereafter no such owner shall sell, transfer, alienate or dispose of any of his immovable property so affected, unless prior to such sale, transfer, alienation or disposal, he produces to the appropriate office a receipt from the tax collector of payment of all outstanding amounts due by him on such affected immovable property.

Ordinance 8/64.

20.—(1) Any person who—

Appeal to the Administrator.

(a) is not satisfied—

- (i) by a decision of the appropriate authority issued under Sections 3, 7 or 10 of this Ordinance ; or
- (ii) by an order issued by the appropriate authority under Section 16 of this Ordinance ; or
- (iii) by an order issued by the appropriate authority under Section 17 of this Ordinance ;

(b) objects to plans prepared by the appropriate authority under Section 13 of this Ordinance,

may, within twenty days from the notification to him of the decision referred to in sub-paragraph (i) of paragraph (a) of this subsection, or the order referred to in sub-paragraph (ii) of the same paragraph or within seven days from the notification to him of the order referred to in sub-paragraph (iii) of the same paragraph or in the case of paragraph (b) of this subsection, at any time within which the plans are open to inspection, by an appeal in writing to the Administrator setting out the grounds in support thereof, appeal against such decision, order or plans.

(2) The Administrator shall forthwith examine every appeal made to him and if, in any particular case, he considers it necessary or expedient, he may hear or otherwise give an

opportunity to the appellant to support the grounds of the appeal. The Administrator shall decide on every appeal as soon as possible and shall forthwith communicate his decision, which shall be final and conclusive, to the appellant.

(3) A person who has a right of appeal to the Administrator under subsection (1) of this Section, shall, whether the grievance or cause of objection arose before or after the enactment of this Ordinance, have no other right to bring any other appeal or institute any other proceeding of any kind in respect of such grievance or objection.

Appropriate authority and Administrator to have unrestricted discretion.

21. Notwithstanding any other provision of this Ordinance, the appropriate authority in deciding whether to grant a permit under Section 3 of this Ordinance, and the Administrator in deciding whether to allow or reject an appeal under Section 20 of this Ordinance shall have, and shall always be deemed to have had, unrestricted discretion to take into account the interests of the Crown in any capacity, and in particular whether the granting of such permit or the allowance of such appeal would be detrimental to military requirements or security needs or contrary to the declared policy of Her Majesty's Government regarding the Administration of the Sovereign Base Areas.

Regulations.

22.—(1) The Administrator may make Regulations to be published in the Gazette for all or any of the following purposes, that is to say—

- (a) the manner in which application for permits may be made and the terms under which such permits may be issued and for enabling the appropriate authority to prescribe forms for the purpose;
- (b) the attachment of special conditions to any permit;
- (c) providing for the means of supervision and control over streets or buildings for which permits have been granted either generally or in respect of streets or buildings in a particular area;
- (d) the minimum dimensions and shape of building plots in respect of which permits may be issued, the proportionate area of any building plot which may be built on and the distance of any building from the boundaries of the building plot;
- (e) the materials for, and manner of construction, repair, or alteration of, or the external appearance, stability, resistance to fire, ventilation, drainage, sanitation, and water supply of, buildings;
- (f) the regulation of access on to a public road in relation to any building or land in respect of which a permit may be granted under Section 3 of this Ordinance;
- (g) the regulation of the maximum number of storeys of buildings, or of the maximum height of buildings or of any part thereof, or of the maximum total area of all storeys of buildings taken together, or of all or any of the foregoing;

- (h) for and in relation to buildings, the fixing and regulation of spaces for the parking and moving of vehicles of any kind ;
- (i) the safety of occupiers, or users of, and persons resorting to, buildings ;
- (j) the fees to be paid for any permit granted under this Ordinance and the manner in which such fees are to be paid ;
- (k) any matters necessary for, or incidental to, securing the observance of the Regulations made under the provisions of this Ordinance ;
- (l) generally for the better carrying out of the provisions of this Ordinance.

(2) Any Regulations made under the provisions of subsection (1) of this Section, may be made with respect to any particular area in which an appropriate authority exercises powers under the provisions of this Ordinance.

23.—(1) Any person who contravenes—

Offences
and penalties.

- (a) any of the provisions of Section 3 or 11 of this Ordinance ;
or
- (b) any condition imposed under Section 7 or 10 of this Ordinance ; or
- (c) any order made under the provisions of Section 16 of this Ordinance; or
- (d) any Regulations made under this Ordinance,

shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty pounds.

(2) When an offence is committed under subsection (1) of this Section, each of the following persons shall be deemed to have taken part in committing the offence and be guilty of the offence and may be charged and tried with actually committing it and may be punished accordingly, that is to say :—

- (i) every person who actually does the act or makes the omission which constitutes the offence ;
- (ii) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence ;
- (iii) every person who procures, aids or abets another person in committing the offence ;
- (iv) every person who solicits or incites or endeavours to persuade another person to commit the offence ;
- (v) every person who does any act preparatory to the commission of the offence.

(3) In addition to any other penalty prescribed by this Section, the Judge's Court, before which a person is convicted for any offence under subsection (1) of this Section, may order—

- (a) that the building or any part thereof, as the case may be, in respect of which the offence has been committed shall be pulled down or removed within such time as shall be specified in such order, but in no case exceeding two months, unless a permit is obtained in respect thereof in the meantime from the appropriate authority :

Provided that such authority may, in granting such permit, impose such terms and conditions as to it may seem fit and the provisions of Section 4 of this Ordinance shall apply to every such permit ;

- (b) the person convicted to pay the costs of the proceedings and any fees connected with the charge, which such person ought to have paid and which he failed or refused or neglected to pay.

(4) The Judge's Court before which a charge has been brought against any person for any offence under subsection (1) of this Section, may on ex parte application order that any further operations in respect of a building or street in the course of erection, demolition, construction or reconstruction be stayed until the final determination of the case in respect of which the charge has been brought :

Provided that the issue of such order shall be subject to the provisions of the Civil Procedure Ordinance, the Courts Ordinance and the Civil Procedure Rules.

Cap. 6 (Laws of Cyprus) Ordinances 18/66, 9/70 and /83. 3/60, 7/61, 19/62, 5/63, 3/65 and 9/77.

S. L. Vol. II p. 120. P. Is. Nos. 321/54, 549/56, 295/58 (Cyprus). P. Is. Nos. 65/66, 61/69, 7/73, 12/74, 88/76 and 8/79.

(5) If any person against whom an order has been made under the provisions of subsection (3) or (4) of this Section shall fail or neglect to comply with such order within the time specified therein, it shall be lawful for the appropriate authority to carry out such order and any costs incurred for the carrying out thereof shall be payable to the appropriate authority by the person against whom the order was made and such costs shall be deemed to be a penalty within the meaning of the Criminal Procedure Ordinance, and payment thereof shall be enforced accordingly.

Cap. 155 (Laws of Cyprus), Ordinances 4/60, 19/63, 1/66, 2/72, 2/73, 10/75, 4/78 and 11/79.

(6) Any person against whom an order has been made under subsection (3) or (4) of this Section who disobeys or fails to comply with such order shall, notwithstanding that the appropriate authority has proceeded to carry out or has carried out such order, be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(7) All fines recovered in respect of any offence committed against this Section shall be payable to the appropriate authority concerned.

24. Nothing in this Ordinance shall affect the operation of Sections 8 and 11 of the Antiquities Ordinance or of any Ordinance amending or substituted for the same, and no permit issued under this Ordinance shall be operative unless and until a permit under Section 8 or Section 11, as the case may be, of the said Ordinance, is obtained.

Permits under Antiquities Ordinance. Ordinances 12/75 and 6/71.

25. Nothing in this Ordinance shall apply to the Crown in any capacity.

Ordinance not to bind the Crown.

26.—(1) The Administrator may permit anything to be done or omitted to be done which would otherwise be contrary to the provisions of this Ordinance on behalf of the Republic, or any public authority of the Republic.

Administrator may exempt the Republic or Republican authorities from this Ordinance.

(2) A certificate under the hand of the Administrator (issued after consultation with the appropriate Authorities of the Republic) that any act or omission which is contrary to any provision of this Ordinance, has not been done or omitted to be done on behalf of the Republic or any public authority of the Republic shall be final and conclusive in any Court.

27. The Streets and Buildings Regulation Ordinance is hereby repealed without prejudice to anything done or left undone thereunder.

Repeal.

Cap. 96 and Law 14/59 (Laws of Cyprus), Ordinances 23/61, 29/63, 16/64, 5/74, 10/78 and 6/82.

A. J. CRAGG,
Chief Officer.

11th April, 1984.

(112/A)

