



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1075 of 31st May, 1996**  
**LEGISLATION**

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ORDINANCE 2 OF 1996

**AN ORDINANCE**  
**TO AMEND THE ANTIQUITIES ORDINANCE**

**P. MILLAR**  
**ADMINISTRATOR**

16th May, 1996.

**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 Antiquities (Amendment) Ordinance, 1996 and shall be read as one with the Antiquities Ordinance, 1975 as amended (hereinafter referred to as "the principal Ordinance").

Short title.

**2.** Section 16 of the principal Ordinance is hereby amended as follows:-

Section 16 of the principal Ordinance amended.

- (a) By deleting the semi colon at the end of paragraph (b) of subsection (1) thereof and by inserting immediately after the word "him" (line 2) the following:

"and shall keep a comprehensive daily diary and make drawings and take photographs to record the progress of the excavation;"

- (b) By deleting the colon immediately after the word "Museum" of paragraph (c) of subsection (1) thereof (line 6) and by inserting immediately thereafter the following:

"together with the original of any diary kept, any drawings made and the negatives of any photographs taken to record the progress of the excavation".

15th May, 1996  
(108)

P.A. ROTHERAM,  
Chief Officer.

**AN ORDINANCE  
TO PROVIDE FOR THE ELIMINATION OR REDUCTION  
AND CONTROL OF POLLUTION OF THE WATERS OF  
THE AREAS; FOR THE BETTER PROTECTION OF  
THEIR NATURAL WATER RESOURCES AND THE  
HEALTH AND WELFARE OF THEIR INHABITANTS AND  
FOR THE PROTECTION OF THEIR COMMON  
ENVIRONMENT AND THE FAUNA AND FLORA OF  
THEIR WATERS**

**P. MILLAR**  
**ADMINISTRATOR**

13th May, 1996.

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

**PART I - PRELIMINARY PROVISIONS**

Short title.

1. This Ordinance may be cited as the Control of Water Pollution Ordinance, 1996.

Interpretation.

2. In this Ordinance, unless the context otherwise requires -  
“industrial sources” includes -

Cap.134 (Laws of Cyprus) and Ordinances 22/64, 12/72, 9/82, 15/89, 7/90 and 7/92.

- (i) any factory as defined in Section 2 of the Factories Ordinance and any works or installations to which the Factories Ordinance applies and any premises which would be treated as a factory if any employed persons worked therein;
- (ii) any production of coal and any work connected with the burning of plant material, cables or tyres;
- (iii) any plant for the production of bitumen mixtures, any installation for the storage of liquid or gas fuel and any petrol filling station;
- (iv) any incinerator, any work connected with the burning of solid waste by or on behalf of a local authority and any work connected with the burning of solid waste in an open space by a commercial or industrial concern;
- (v) any mining or quarrying operations;
- (vi) any mobile plant or vehicle which when stationary is used for building or civil engineering works;

“pollution” means any change in the nature or characteristics of water or any of its natural constituents or any change or addition of any substance carried in suspension or diluted therein so as to render the water less suitable for any purpose or less able to support the fauna and flora to be found therein; and the expression “pollute” shall be construed accordingly;

“quality objectives” means the qualities of the water in terms of physical characteristics and chemical constituents which are sought to be achieved and maintained;

“stream” means any inland watercourse, whether natural or artificial, except any sewer vested in a local authority;

“waste” includes -

- (i) any substance which constitutes a scrap material or effluent;
- (ii) any substance or article which is to be disposed of as broken, worked out, contaminated or otherwise spoiled, or other unwanted substance or article;

and the terms “waste material” and “waste matter” shall be construed accordingly;

“waters” includes all inland waters of the Areas and all waters of the sea out to the territorial limit of the Areas, whether surface or underground, and all waters of any dam or reservoir but not -

- (a) waters contained in any private drain or in any sewer or sewage disposal works or installation;
- (b) water in any privately owned chamber, tank or other container.

3. The Chief Officer may -

Powers of Chief Officer.

- (a) impose quality objectives so far as they are necessary or desirable for the purposes of this Ordinance for such parts of the waters of the Areas as he thinks fit;
- (b) grant consents for discharges into the waters of the Areas or into or onto land in the Areas in accordance with Sections 8 and 10.

4. Nothing in any of the provisions of this Ordinance shall give any powers of control over pollution by ionising radiations.

Exemption of pollution by ionising radiation.

## PART II

### PROTECTION OF STREAMS AND OTHER WATERS AND SOURCES OF SUPPLY

5. - (1) A person commits an offence if he -

Protection of surface waters.

- (a) subject to subsection (2), causes or knowingly permits the discharge or deposit into any stream, or the dried bed of any stream, or into any coastal waters, lake or dam, of any object or substance which tends to, or will tend to, pollute the waters thereof;
- (b) causes or knowingly permits the deposit of any object or substance in any place from which it might fall or be carried into a stream, its dried bed or any reservoir or dam, so that it may pollute or tend to pollute the waters thereof;
- (c) causes or knowingly permits the cutting or uprooting of any vegetation on or so near to the banks of a stream that there is a likelihood of it falling into the stream or dried bed thereof and aggravating the pollution of that part of the stream.

(2) A person shall not be guilty of an offence under paragraph (a) of subsection (1) if the discharge or deposit was made in accordance with a consent granted by the Chief Officer under this Ordinance.

(3) (a) Subject to paragraph (c) of this subsection, it shall be a defence in proceedings for an offence under subsection (1) (b) to prove that the deposit was made in the course of a good agricultural practice.

(b) The Chief Officer may by order provide that any specified agricultural practice shall be a good agricultural practice for the purposes of this Section.

(c) On a complaint by any person of the environmental effects of the use of a good agricultural practice in any particular place, the Chief Officer, after consulting the user of that practice and such other persons as he thinks fit, may order that -

(i) the defence shall not be available for that practice in any specified place or at any specified time of year; or

(ii) the defence shall be available for it in such place or at such time, provided specified precautions are taken by the person using the practice.

(4) In any proceedings under paragraph (a) of subsection (1), it shall be a defence for the accused to prove that the discharge or deposit was due to some cause beyond his control, that he used all due care and diligence to forestall or prevent any commission of the offence and that as soon as he was aware of his failure to do so, he took all practicable steps to remedy the default without avoidable delay.

(5) It shall be a defence in proceedings under paragraph (b) of subsection (1) to prove that the deposit was a deposit of waste on a site occupied by a person who held a waste disposal consent issued by the Chief Officer, that the deposit was in accordance with the terms of that consent and that all conditions of the consent had been met, save for conditions concerning action to be taken after the deposit.

(6) In any proceedings taken for an offence under this Section, it shall be a defence for an accused person to prove that he was an employee acting under instructions given to him by or on behalf of his employer, and that he had no reason to believe that compliance with the instructions would lead to the commission of such an offence.

**6. -** (1) The Chief Officer may by order define areas within which the discharge into the ground or sub-soil of liquid or semi-liquid waste or any specified class of such waste shall be prohibited.

(2) It shall be an offence to cause or knowingly permit the discharge into the ground or sub-soil of any such waste where the discharge is prohibited by an order made under subsection (1).

(3) Any person who commits an offence in contravention of subsection (2) shall be liable to a fine not exceeding three thousand pounds or to imprisonment not exceeding one year or to both such penalties.

**7. -** (1) For the purpose of protecting sources or potential sources of water supply for domestic use, including waters in any dams, reservoirs or waterworks, the Administrator may by regulations provide that within certain specified areas: -

Protection of  
underground  
waters.

Precautions against  
accidental  
pollution of  
sources of supply  
for domestic use.

- (a) activities prescribed therein shall be carried on only with the consent of the Chief Officer and subject to such terms and conditions as he may reasonably impose for the protection of water resources;
- (b) it shall be an offence for any person to carry on any prescribed activity except under and in accordance with such consent.

(2) An applicant for consent may appeal to the Administrator against refusal of consent or against any conditions to which the consent is made subject on the grounds that the refusal or imposition of any condition was unreasonable.

(3) Without prejudice to the generality of subsection (1) any regulations made thereunder -

- (a) may specify the persons or classes of persons who, in the event of a contravention of any of the regulations, whether in addition to or to the exclusion of other persons or classes of persons are to be guilty of an offence;
- (b) may provide for any specified defence to be available in proceedings for an offence under the regulations, either generally or in specified circumstances;
- (c) may provide for maximum penalties not exceeding imprisonment for one year or a fine of ten thousand pounds or for both such penalties.

**8. -** (1) Where, as a result of an offence under Sections 5, 7, 9 or 10 of this Ordinance any of the waters of the Areas have been and remain polluted or any fauna or flora in these waters have been and remain adversely affected, the Court may, in addition to any penalties awarded, order any person convicted to take such steps as are reasonably practicable to restore the waters or the fauna and flora thereof, or both, to their previous condition.

Restoration of waters.

(2) Where a person refuses or fails to take the steps referred to above, such action may instead be taken by the Chief Officer on behalf of the Sovereign Base Area Administration and any cost occasioned thereby may be recovered from the person convicted as a civil debt.

**9. -** (1) Subject to subsection (2) it shall be an offence for any person to cause or knowingly permit the discharge or deposit from any industrial source or sewage treatment works into the surface or underground waters of the Areas, including coastal waters, of -

Discharges to surface waters.

- (a) any effluent;
- (b) any liquid containing matter in suspension;
- (c) any solid waste matter,

except under and in accordance with a consent granted by the Chief Officer.

(2) Notwithstanding subsection (1) it shall not be an offence to discharge or deposit any substance, whether directly or indirectly, into a public sewer with the consent of the appropriate sewerage or sewage disposal authority.

(3) It is a defence in any proceedings taken under subsection (1) for the accused to prove that the discharge or deposit was due to an act or failure by another person or to an accident or some other cause beyond his control and that he took all reasonable precautions and exercised all due diligence to avoid the failure of himself or his employee or agent to comply with the consent and that in any event as soon as he was aware of the failure he took all practicable steps to remedy it without avoidable delay.

(4) A person accused of an offence under subsection (1) may only rely on the defence of an act or failure by another person providing -

- (a) seven days before the date of the hearing of the case against him, he notifies the prosecution in writing of such information in his possession as will assist them in identifying and tracing that other person; or
- (b) he has the leave of the Court to rely on such defence.

(5) It is a defence in any proceedings under subsection (1) for an accused person to prove that he was an employee acting on instructions given to him by or on behalf of his employer and that he had no reason to believe that compliance with the instructions would lead to the commission of the offence with which he is charged.

Offences.

**10.** - (1) Any person who contravenes or fails to comply with the provisions of this Ordinance or any Regulations made thereunder shall be guilty of an offence and, unless a specific penalty is otherwise provided, shall be liable to imprisonment for one year or to a fine of twenty thousand pounds.

(2) Where an offence under this Ordinance committed by a company, co-operative society or other body of persons is committed with the consent or connivance of, or is facilitated by any neglect on the part of any director, chairman, manager, secretary or other officer of the company, co-operative society or other body of persons, that officer also shall be guilty of the offence and shall be liable to prosecution and punishment in accordance with the relevant provisions of the Ordinance.

10th May, 1996  
(121/12)

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P.A. ROTHERAM,  
Chief Officer.

**AN ORDINANCE  
TO AMEND THE IMMOVABLE PROPERTY (TENURE,  
REGISTRATION AND VALUATION) ORDINANCE**

**P. MILLAR**  
**ADMINISTRATOR**

21th May, 1996.

**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 Immovable Property (Tenure, Registration and Valuation) (Amendment) Ordinance, 1996 and shall be read as one with the Immovable Property (Tenure, Registration and Valuation) Ordinance as amended from time to time (hereinafter referred to as "the principal Ordinance").

2. Section 18 of the principal Ordinance is hereby amended by inserting immediately after subsection (3) thereof the following new subsections:-

"(4) In granting any Crown property or immovable property vested in the Crown by virtue of this Ordinance under subsection (1), the Administrator may by Order impose restrictions in the registration of such property in the name of the grantee with the object of ensuring that the property so granted shall remain in the ownership of persons who may be treated as recognised residents within the definition of Section 2 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance, 1960.

(5) Any Order made under subsection (4) may provide that no sale, exchange or other disposal of property granted may be effected without the consent of the Chief Officer.

(6) Upon the transfer of any Crown property granted under subsection (4) any restrictions provided in the Order shall be entered against the relevant registration in the books of the Department of Lands and Surveys and where possible on the certificate of registration of the immovable property concerned and no transfer shall be carried out by the Department of Lands and Surveys in contravention of any such restriction".

Short title.

Cap. 224 - Laws of Cyprus - and Ordinances 12/66, 11/84, 1 and 12/85, 5 and 18/87, 21/88, 8 and 14/90 and 13/93.

Section 18 of the principal Ordinance amended.

Ordinances 5/60, 5/71 and 11/82.

20th May, 1996

(118/3A)

P.A. ROTHERAM,

Chief Officer.

