



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1170 of 3rd March
LEGISLATION

ORDINANCE 1 OF 2000

AN ORDINANCE
TO AMEND THE CRIMINAL CODE

J. I. RAMSAY
ADMINISTRATOR

2nd March 2000.

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 Criminal Code (Amendment) Ordinance 2000 and shall be read as one with the principal Code as amended from time to time (hereinafter referred to as "the principal Ordinance").

Short title.

Cap.154 (Laws of Cyprus) and Ordinances 11/63, 17/63, 10/66, 8/72, 1/73, 7/79, 8/82, 7/87, 24/89 and 2/97.

2. Section 4 of the principal Ordinance is hereby amended by deleting from the definition of "felony" thereof the words "with death or".

Section 4 of the principal Ordinance amended.

3. Section 14 of the principal Ordinance is hereby amended by deleting the word "seven" in line one thereof and substituting therefor the word "ten".

Section 14 of the principal Ordinance amended.

4. Section 16 of the principal Ordinance is hereby amended by deleting the words "offence against the State punishable with death" thereof and substituting therefor the words "the offences referred in sections 36 and 37 of this Ordinance".

Section 16 of the principal Ordinance amended.

5. Section 26 of the principal Ordinance is hereby amended as follows:-

Section 26 of the principal Ordinance amended.

(a) by deleting paragraph (a) thereof and substituting therefor the following new paragraph:

“(a) imprisonment for life.”;

(b) by inserting immediately after paragraph (h) thereof the following new paragraph (i) :

“(i) any other punishment provided for in any other Ordinance.”.

Sections 27 and 28 of the principal Ordinance repealed.

Section 32 of the principal Ordinance amended.

7. Section 32 of the principal Ordinance is hereby amended by deleting the words "not punishable with death" in the first and second lines thereof and substituting therefor the following-

"other than premeditated murder or an offence contrary to sections 36 or 37 of this Ordinance".

Section 33 of the principal Ordinance amended.

8. Section 33 of the principal Ordinance is hereby amended by deleting the words "not punishable with death" in the first and second lines thereof and substituting therefore the following-

"other than premeditated murder or an offence contrary to sections 36 or 37 of this Ordinance".

Section 36 of the principal Ordinance amended.

9. Section 36 of the principal Ordinance is hereby amended by deleting the words "suffer death" in the final line thereof and substituting therefor the words "imprisonment for life".

Section 37 of the principal Ordinance amended.

10. Section 37 of the principal Ordinance is hereby amended by deleting the word "death" in line three thereof and substituting therefor the words "imprisonment for life".

Section 100 of the principal Ordinance amended.

11. Section 100 of the principal Ordinance is hereby amended by deleting the words "is guilty of a misdemeanour, and is liable to imprisonment for three years, and also to a fine" and substituting therefor the following -

"shall be guilty of an offence and shall be liable to imprisonment for five years or to a fine not exceeding ten thousand pounds or to both such penalties, and where the person convicted received any property or benefit which is capable of forfeiture, he shall, in addition to any other punishment, be liable to forfeit the same."

Section 187 of the principal Ordinance amended.

12. Subsection (2) of section 187 of the principal Ordinance is hereby amended as follows:-

- (a) by deleting the words "fifty pounds" thereof and substituting therefor the words "five thousand pounds"; and
- (b) by deleting the full stop at the end thereof and inserting immediately thereafter the following:-

"or that the operation of any permit issued under subsection (1) above shall be suspended for a period not exceeding one month:

Provided that in the case of a second or subsequent conviction, the Court may order that the operation of any permit issued under subsection (1) above shall be suspended for a period not exceeding three months."

Section 368 of the principal Ordinance amended.

13. Section 368 of the principal Ordinance is hereby amended by deleting the words "the punishment of death or " in the second and third lines thereof.

2nd March 2000
(128/2/2)

D.J. BONNER,
Chief Officer.

ORDINANCE 2 OF 2000

**AN ORDINANCE
TO AMEND THE STREETS AND BUILDINGS
REGULATION (CONSOLIDATION) ORDINANCE**

I. RAMSAY
ADMINISTRATOR

2nd March 2000.

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

This Ordinance may be cited as the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 2000 and shall read as one with the Streets and Buildings Regulation (Consolidation) Ordinance 1984 as amended from time to time hereinafter referred to as "the principal Ordinance").

Short title.

Ordinances 7/84,
2/87, 13/87, 18/88,
10/96 and 7/99.

2. Section 2 of the principal Ordinance is hereby amended by inserting the following new definitions in the appropriate alphabetical position:

Section 2 of the
principal
Ordinance
amended.

"designer" means a person who -

- (i) is registered in the register of members of the Cyprus Scientific and Technical Chamber and holds a professional practice licence, by virtue of the Cyprus Scientific and Technical Chamber Law of the Republic and who is entitled to undertake work of a standard requiring an Architect or a Civil Engineer for a specific project and to produce a design study for a specific project, and who is the supervising engineer of such project, on the basis of the definition given in this section;
- (ii) has been duly authorized to undertake and has undertaken the preparation of a design study for a project of a standard requiring an Architect or a Civil Engineer;

224/90, 106(1)/92,
15(1)/93, 31(1)/93,
53(1)/93, 44(1)/96
and 34(1)/97
(Republic).

"design study" means the elaboration or the preparation of drawings, sketches, technical specifications and calculations, in addition to the intended execution or carrying out of a project, and

of any other work required for the purposes of considering an application for the issue of a building permit, by virtue of section 3;

“project” means any work or any other issue entailing construction works, for the execution or the carrying out of which a permit is required in advance, by virtue of section 3;

“section” or “subsection” means a section or subsection of this Ordinance;

“supervising engineer” means a person who -

- (i) is registered in the register of members of the Cyprus Scientific and Technical Chamber and holds a professional practice licence, by virtue of the Cyprus Scientific and Technical Chamber Law of the Republic and who is entitled to undertake work of a standard requiring an Architect or a Civil Engineer for a specific project and who is the designer of a specific project, on the basis of the corresponding definition given in this section;
- (ii) has been duly appointed to undertake and has undertaken the supervision of a specific project;

“supervision of a project” means the carrying out of such inspections on the project site, as are deemed necessary by the supervising engineer, in accordance with acceptable technical procedures and codes of practice and by observance of any duties or requirements imposed upon him by or by virtue of section 9A;

3. Section 4 of the principal Ordinance is hereby amended by inserting immediately after subsection (1) thereof the following new subsection to be numbered (1A):

“(1A) Notwithstanding the provisions of this Ordinance or the regulations made thereunder, no construction works requiring the issue of a permit under section 3 shall be put into effect unless the applicant satisfies the appropriate authority that he has duly appointed a supervising engineer to supervise the project to be executed:

Provided that regulations made under this Ordinance may provide for exemptions from the provisions of this subsection in cases where such exemptions are justified on account of the limited extent or value of the project to be executed.”.

4. Subsection (3) of section 9 of the principal Ordinance is hereby amended by deleting the words “civil or structural engineer” appearing in lines 3 and 4 thereof and substituting therefor the words “the designer of the project”.

5. The principal Ordinance is hereby amended by inserting the following new section immediately after section 9 thereof to be numbered 9A:

“9A. - (1) Before commencing any construction works relating to the project, the owner shall notify the supervising engineer in writing of the time of commencement of the works pertaining to the relevant permit and of any suspensions of such works

224/90, 106(1)/92,
15(1)/93, 31(1)/93,
53(1)/93, 44(1)/96
and 34(1)/97
(Republic).

Section 4 of the
principal
Ordinance
amended.

Section 9 of the
principal
Ordinance
amended.

New section
inserted into the
principal
Ordinance.

which may occur during the course of the execution of the project.

(2) A supervising engineer who has been duly appointed to supervise the project shall -

- (a) not aid or permit the commencement of the execution of the project under supervision, before ascertaining the existence of a relevant permit, issued by virtue of section 3;
- (b) subject to the provisions of this Ordinance and any regulations made thereunder, supervise the project at all its stages of execution and up to its completion.

(3) The relative legal positions during the supervision of the project, of the owner, the supervising engineer and the appropriate authority, may be defined more specifically by regulations made in accordance with the provisions of section 22.

(4) Subject to the provisos below, it is hereby prohibited for the following persons to act as supervising engineers:

- (a) the building contractor of the project; or
- (b) the owner of the project:

Provided that paragraph (b) of this subsection shall not apply to land developers:

Provided further that the prohibition in this subsection shall not apply in the case of a dwelling house intended for occupation by the owner. Where a dwelling house, erected under the provisions of this proviso, is sold or otherwise disposed of, the person who supervised the construction of such dwelling house shall not supervise the construction of another dwelling house for his own occupation, unless ten years have elapsed from such sale or disposal, except where the appropriate authority is satisfied that the dwelling house so sold or disposed of did not satisfy the accommodation needs of the family of the supervising engineer.

(5) For the purposes of this section -

“building contractor” means a natural or legal person whom the owner of the project has commissioned to execute such project and includes his employees or workers;

“land developer” means a natural or legal person occupied in the acquisition, development and disposal of immovable property, who maintains an office for the design and supervision of projects, which, for the purposes of this section, are recorded, on the basis of criteria to be prescribed by

regulations, in a special register to be maintained by the Cyprus Scientific and Technical Chamber, and who employs at least one designer, in accordance with the provisions of this Ordinance;

“owner” means a natural or legal person in whose name the immovable property, in connection with which a permit for the execution of a project is applied for or has been issued under section 3, is registered, and includes any such person to whom such immovable property has been transferred prior to or after the issue of such permit, as well as his authorised representatives.”.

Section 11 of the principal Ordinance amended.

6. Subsection (2) of section 11 of the principal Ordinance is hereby amended as follows:

- (a) By inserting immediately thereafter, as the new first proviso thereto, the following proviso:

“Provided that the appropriate authority shall not consider the granting of a certificate of approval, unless it has before it the certificate of completion of the project or part thereof issued in the prescribed manner by the supervising engineer;”

- (b) by inserting in line one of the new second proviso immediately after the word “Provided” thereof the word “further”.”.

Section 23 of the principal Ordinance amended.

7. Section 23 of the principal Ordinance is hereby amended as follows:

- (a) By deleting subsection (1) thereof and substituting therefor the following new subsection:

“(1) Any person who contravenes:

- (a) any of the provisions of sections 3, 4(1A), 9A or 11;
- (b) any condition imposed under section 7 or 10;
- (c) any order, decision or notice issued or served under the provisions of section 16;
- (d) any regulations made under this Ordinance,

shall be guilty of an offence and shall be liable to imprisonment not exceeding twelve months or to a fine not exceeding one thousand pounds or to both such penalties;”

- (b) by inserting immediately after subsection (2) thereof the following new subsection to be numbered (2A):

“(2A) When an offence is committed under this section by a supervising engineer employed by or having a dependent professional relationship with a land developer, such developer shall be deemed to have taken part in committing the offence and may be charged, tried and punished accordingly.”;

by deleting paragraph (b) of subsection (3) thereof and substituting therefor the following new paragraph:

“(b) in the case of a building for which no certificate of approval has been issued in accordance with the provisions of section 10, or in the case where the present use of a building is not in accordance with the approved use under the relevant building permit, the termination of such use of the building, within a time limit specified in the order, but not exceeding two months, unless in the meantime the relevant certificate of approval or the relevant permit for the particular use has been obtained from the appropriate authority:

Provided that the appropriate authority, upon issuing such permit may impose any conditions it deems expedient and the provisions of section 4 shall apply to every such permit or certificate.”.

the proviso to section 11 introduced herein as the first proviso section (2) thereof, shall not apply to any projects for which building permit under section 3 has been issued before the commencement of this Ordinance.

Commencement and transitional provision.

March 2000
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D.J. BONNER,
Chief Officer.

