



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1232 of 12th December 2001
LEGISLATION

ORDINANCE 27 OF 2001

AN ORDINANCE
TO PROVIDE FOR THE ADMINISTRATION OF
OVERLAPPING COMMUNITIES

T.W. RIMMER
ADMINISTRATOR

12th December 2001.

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 Overlapping Communities Ordinance 2001. Short title.
2. In this Ordinance, unless the context otherwise requires - Interpretation.
 - “Overlapping community” means any community in the Republic the administrative boundaries of which also extend into the territory of the Areas.
 - “Republican Law” means the Communities Law of the Republic (No. 86 of 1999);
3. Any expressions used in this Ordinance shall have the same meaning as that defined in section 2 of the Republican Law. Expressions used in the Ordinance.
4. Any citizen of the Republic who is resident in the Areas within the boundaries of any overlapping community shall be treated as a citizen of such community for the purposes of the Republican law and shall enjoy all the rights and be subject to all the obligations provided in the said law as if he were resident in the Republican community concerned. Rights of Cypriots resident in the Areas.
5. Notwithstanding the provisions of the Powers and Duties (Officers of the Republic of Cyprus) Ordinance, any elected Council of an overlapping community or any other body or authority provided in the Republican law may exercise in the Areas such powers and duties within the boundaries of the overlapping community as are provided in this Ordinance subject to any restrictions or conditions which are contained in this Ordinance or any bye-laws made thereunder. Elected Councils in the Republic to exercise powers and duties in the Areas.

6. Subject to the provisions of this Ordinance and any other Ordinance in force, the Council of an overlapping community shall, within its boundaries lying in the Areas and so far as its financial resources permit, carry out the following duties:-

- (a) provide an adequate domestic water supply, maintain it in good condition and ban or regulate the supply or use of any water for domestic purposes;
- (b) provide for the construction and maintenance of sewerage systems for the sewage of the community;
- (c) provide for the construction, operation and maintenance of drainage systems for rainfall water;
- (d) provide for cleanliness and lighting of streets;
- (e) with the Area Officer's consent name or rename any street;
- (f) provide for the collection and disposal of household refuse;
- (g) provide for the removal of abandoned vehicles and other objects on streets;
- (h) provide for the protection of the environment of the community;
- (i) provide for the construction and maintenance of public baths, latrines and other sanitary conveniences;
- (j) inspect and control all bakeries;
- (k) regulate or restrict any trade near a street likely to cause a nuisance;
- (l) regulate or restrict any trade which endangers public health or causes any nuisance;
- (m) regulate or prohibit the keeping, breeding or custody of any animal or fowl;
- (n) disinfect any house where a person has died of a contagious disease;
- (o) provide for the construction and operation of slaughterhouses and for the fees payable for the use of such slaughterhouses;
- (p) ban the use of streets by animals;
- (q) regulate and control theatres or premises of public entertainment;
- (r) prevent advertisements on any buildings and provide public hoardings for advertisements;
- (s) provide for the establishment of rest homes or charitable institutions for poor or incapacitated people;
- (t) provide for the control of camping sites;
- (u) control public swimming pools;
- (v) provide for any other public works which are conducive to public health;
- (w) provide for the establishment and operation of burial grounds subject to the provisions of the Burial Grounds Ordinance and the Public Health (Burial and Exhumation) Ordinance.

7. Subject to the provisions of this Ordinance and any other Ordinance in force, the Council of an overlapping community may, within its boundaries lying in the Areas –

- (a) (i) with the consent of the Area Officer, borrow money for carrying out any works or taking any measures which the Council is empowered to carry out under the provisions of this Ordinance and, for the purpose of securing the repayment of the principal and interest of any such loan, to mortgage any property, rates, fees, rents or charges to the lender;
- (ii) borrow temporarily any money from the Bank or Co-operative Society at which the account of the Council is kept:

Provided that the amount so borrowed shall not exceed twenty per centum of the estimated revenue of the Council for the period for which the current estimates are made and that the amount so borrowed shall be repaid from the revenue of the Council during such period;

- (b) acquire, with the consent in writing of the Area Officer previously obtained, by agreement between the owner thereof and the Council, water or water rights within or outside the community area, whether attached to land or held independently of land;
- (c) establish workshop areas and regulate any matter in relation to the administration, control or operation thereof;
- (d) with the approval of the Area Officer provide, establish, maintain, improve and regulate, within the community area, parks, gardens, playgrounds, swimming pools, public bathing places, amusement centres, places of resort or recreation for the use of the public and any other amenities and to contribute towards the cost of establishment or maintenance of any parks, gardens, playgrounds, swimming pools, public bathing places, amusement centres, places of resort or recreation or any other amenities, provided by any person for the use of the public;
- (e) plant, within the community area, trees in any street or public place and erect tree guards;
- (f) erect, within the community area, public buildings and execute other public works subject to the approval of the Area Officer;
- (g) contribute towards the cost of maintaining public or rural hospitals, child welfare clinics and maternity services which may be established;
- (h) with the approval of the Area Officer, make any payment or contribution to any charitable or philanthropic scheme or institution;
- (i) provide, within the community area, for the construction, paving, asphaltting or improvement of streets;
- (j) subject to the provisions of section 26, grant within the community area, licences and permits as provided in the

Republican law and, subject to the provisions of this Ordinance or any Regulations made thereunder, attach to such licences or permits such terms and conditions as the Council may deem necessary or desirable and suspend or revoke such licences and permits whenever the Council on good cause shown considers it advisable so to do;

- (k) provide for the erection of public markets and for the fees and rent for the use of these markets and prohibit hawkers within markets;
- (l) provide for special places where animals and perishable goods may be sold;
- (m) carry out any water supply projects either alone or in co-operation with other communities;
- (n) sell any surplus water for non-domestic use;
- (o) spend up to 5% of its estimated expenditure to cover the cost of attendance of Council members;
- (p) impose an annual rate not exceeding five hundred pounds on every occupier of property in the community to be assessed by the Council according to his means due regard being always paid to any other rates imposed on such occupier by the Council:

Provided that such annual rate may not be imposed on any property owned or occupied by the Crown in any capacity;

- (q) subject to the law relating to public swimming pools regulate the use and operation of such pools which are not under the control of the Council;
- (r) write off, with the consent of the Area Officer, taxes and rates which cannot be collected not exceeding in each case fifty pounds ;
- (s) organise or encourage cultural activities;
- (t) provide for the advertising of the Council either in the Areas or the Republic.

8. - (1) A Council may, from time to time, with the approval of the Chief Officer, make, amend and revoke any bye-laws which are not inconsistent with the provisions of this or any other Ordinance in force for the time being for all or any of the following purposes, that is to say -

- (a) to enable or assist a Council to perform any of the duties assigned to it by section 7 of this Ordinance and to provide for the payment of any rates, fees, rents or charges in connection therewith;
- (b) to enable a Council to carry out or assist it in carrying out any of the provisions of section 8 of this Ordinance and to provide for the payment of any rates, fees, rents or charges in connection therewith;
- (c) to provide for the payment of fees by any person who carries on, exercises or practices any profession or business, trade or other calling within the boundaries of any overlapping community;

- (d) to provide for the payment of fees by the owner of any premises whether let or in the occupation of the owner:

Provided that no fees shall be payable in respect of premises let or used solely for agricultural purposes;

- (e) to provide for the payment of fees by the owner or occupier of any premises used as a hotel, boarding house, lodging-house, or tourist apartment;
- (f) to regulate and control the grant or issue of any licence or permit which the Council is empowered to issue or grant under this Ordinance or any bye-law made thereunder and to provide for the payment of any fees or charges in connection therewith;
- (g) to provide –
- (i) for the imposition of an annual rate for community services:

Provided that whenever any amount is imposed on any non-resident occupier, a notice of the amount so imposed shall be sent by the Council to such non-resident occupier,

- (ii) for the time at which and the manner in which such annual rate shall be paid and recovered, and
- (iii) for the exemption of occupiers from payment of such annual rate on the grounds of poverty.

(2) No bye-law shall be made under subsection (1) of this section without the approval of the Chief Officer -

- (a) Without prejudice to the generality of this section or of section 44 of the Interpretation Ordinance, the Chief Officer in approving any bye-law made under subsection (1) of this section, may impose a condition that such bye-law shall not apply to the Crown in any or any specified capacity or to any Authorised Service Organisation or to any specified persons employed by or in the opinion of the Chief Officer, in any way connected with, the Crown in any capacity or any Authorised Service Organisation or shall not apply in relation to any act or omission occurring on any property owned or occupied by the Crown in any or any specified capacity or by any Authorised Service Organisation.
- (b) (i) Any “Authorised Service Organisation” means any “Authorised Service Organisation” as defined in the Treaty of Establishment;
- (ii) without prejudice to the generality of the expression, a person may be treated by the Chief Officer as being connected with the Crown or an Authorised Service Organisation if he resides or works at any place owned or occupied by the Crown in right of the Government of the United Kingdom.

(3) No permit or licence issued under any bye-law made under subsection (1) of this section, to carry on or set up any business or commercial enterprise however described in such bye-law, shall

exempt the holder from the requirements of subsection (1) of section 21 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960.

(4) Bye-laws made under this section may provide for the imposition of a fine not exceeding one hundred and twenty five pounds for any infringement thereof or, in the case of a continuing infringement, a fine not exceeding twenty five pounds for each day during which such infringement continues and may also provide for the forfeiture for the benefit of the Council concerned of any articles or goods in respect of which the infringement was committed.

(5) For the purposes of this section -

“occupier” means any person in actual occupation of any immovable property in the Areas within the boundaries of an overlapping village without regard to the title under which he occupies such property or, in the case of an unoccupied immovable property, the person entitled to the occupation thereof and includes the owner of any movable property within such boundaries.

9. - (1) If any immovable property lying in the Areas within any overlapping community which is required for any public purpose within the powers of the Council cannot be acquired by agreement, the Council may, by resolution of a majority of not less than two-thirds of the members actually holding office, decide that the immovable property be acquired for the public purpose specified therein. A copy of such resolution and of the minutes relating thereto, together with a plan of such immovable property and particulars as regards its owner, estimated value, description and any other matter as may be necessary for the purpose, shall be forwarded to the Area Officer for the consideration of the Administrator as hereinafter provided:

Provided that a Council shall not be permitted to acquire a part only of any building, if the owner thereof is willing and able to give a good title to the whole thereof:

Provided further that where any immovable property is required by a Council for the opening of a new street, the Council may acquire a sufficient extent of immovable property on each side of the proposed street to admit the erection thereon of suitable buildings with a frontage on the new street.

(2) The Area Officer, before submitting for the consideration of the Administrator the documents mentioned in subsection (1) of this section, shall cause a notice in the form set out in the Schedule to this Ordinance to be published in the Gazette and also to be posted at a conspicuous place within the community in which the immovable property to be acquired is situate.

(3) At the expiration of the period set out in the notice the Area Officer shall forward to the Administrator the documents mentioned in subsection (1) of this section together with any objection or statement made against the proposed acquisition.

(4) If the Administrator approves the plan submitted and considers it expedient, having regard to all the circumstances, that the Council should be permitted to acquire the immovable property in question, he may, by notification published in the Gazette,

sanction the acquisition of such immovable property; and, thereupon, if the owner of the immovable property does not agree with the Council as to the sum to be paid as compensation for it, the same shall be determined in accordance with the provisions of any Ordinance in force for the time being, providing for the acquisition of immovable property for public purposes.

(5) Within three months from the date of agreement or determination of the sum to be paid as compensation for the acquisition of such immovable property, as hereinbefore provided, the sum so agreed or determined, as the case may be, shall be paid to the owner of such immovable property or deposited to his account with the Accountant-General of the Republic; and if it is not so paid or deposited, the sanction of the Administrator for the acquisition of such immovable property as aforesaid shall be deemed to be revoked:

Provided that where the property to be acquired is charged with the payment of any money, the sum agreed or determined to be paid, as the case may be, for the acquisition thereof, shall be deposited in the appropriate District Lands Office of the Republic to be paid out to the persons in whose favour such charges operate in satisfaction in whole or in part of the sums due to them; and any balance shall be paid to the owner of the property to be acquired:

Provided further that, if the immovable property to be acquired is subject to any lease, the Court may, on the application of the lessee of the property made before the payment or deposit of the money agreed or determined to be paid as compensation for the acquisition thereof, direct that there shall be paid to him such portion of that sum as shall, in the opinion of the Court, be sufficient to compensate him in respect of the determination of his tenancy.

(6) On payment or deposit with the Accountant-General of the Republic or the appropriate District Lands Office of the Republic of the sum agreed or determined to be paid as compensation for the acquisition of such immovable property, as in subsection (5) of this section provided, such immovable property shall vest in the Council free from all encumbrances and the Director of Lands and Surveys of the Republic shall cause registration of such immovable property to be made in the name of such Council in accordance with the plan approved by the Administrator.

10. Any Head of an overlapping community or member of a Council who issues any false certificate or collects any fee in excess of that provided in the Republican law shall be guilty of an offence and shall be liable for each such offence to a fine not exceeding two hundred pounds without prejudice to any other punishment which may be imposed.

False certificates by Head of community etc. constitute an offence.

11. Any person in the Areas who within the limits of an overlapping community carries on a business, trade or occupation without –

Carrying on of a business or trade without a licence prohibited.

(a) submitting within a month of the date when he commenced or recommenced carrying on a business, trade or occupation an application to secure a licence; or

(b) submitting an application for renewal of any licence within a month of the expiry of any previous licence,

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred pounds:

Provided that this section shall not apply to any member of the force, or of the civilian component or any dependant of either of those categories of person, as defined in Part I of Annex B of the Treaty of Establishment.

12. - (1) Every employer who carries on a business, trade or occupation within the boundaries of an overlapping community shall, within one month from the 1st of January in every year, forward to the Council a list giving details of all persons employed by him which shall include their names, identity card numbers, addresses and their emoluments and where any person or persons are engaged after the 1st of January, he shall within a month of such engagement forward to the Council the name, identity card number, address and total emoluments of the persons so employed.

(2) Every employer affected by subsection (1) above shall when so requested by the Council, deduct from the emoluments of any person employed by him any fee imposed by the Council in accordance with any bye-law and forward such fee to the council within such time as may be prescribed by the Council:

Provided that the Administrator may by order exempt from any of the provisions of this section, the Crown in any capacity and any other employer within the Areas who in his opinion is justified by circumstances to be so exempt.

(3) Every affected employer who -

- (a) refuses, neglects or fails to forward to the Council the information provided in subsection (1) within the prescribed time limits, or
- (b) provides false information or particulars, or
- (c) does not deduct or forward the fee imposed by the Council as provided in subsection (2)

shall be guilty of an offence and shall be liable to a fine not exceeding £450 or to imprisonment not exceeding six months or to both such fine and imprisonment.

13. Any person who is required under this Ordinance to possess a licence with regard to his business, trade or occupation who -

- (a) fails to produce a licence when so requested by any police officer or Council officer; or
- (b) lends his licence to any other person; or
- (c) while he is not the holder of a licence produces or uses any document with intent to deceive any person that he is the holder of such a licence,

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

14. Any person in the Areas who hawks about for sale, goods of any nature without the written permission of the Council or who fails to comply with any condition in such permission shall be guilty of an offence and shall be liable to a fine not exceeding two hundred pounds.

15. - (1) Any person who uses or permits the use as a theatre, cinema, or for any other form of public entertainment, a building for which no valid licence is in force or is in contravention of any

Employers to supply list of employees to Council annually.

Offences concerning licences.

No hawking without a permit.

Use of buildings etc. for public entertainment prohibited without a licence.

terms or conditions of any such licence shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months or a fine not exceeding four hundred and fifty pounds or to both such imprisonment and fine; and in addition to such sentence the Court may, regardless of whether the offence has been committed by a person other than the holder of the licence, revoke or suspend such licence for any period and under such terms and conditions as the Court may deem fit.

(2) The Court before which any prosecution for an offence contrary to subsection (1) is brought, may, upon an ex-parte application, order the suspension of the licence and the prohibition of the use of any building or place pending the outcome of such prosecution:

Provided that such order shall be subject to the Civil Procedure Ordinance, the Courts Ordinance and the Civil Procedure Regulations.

(3) Any person against whom an order has been made under subsection (2) who fails to comply with such order shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding four hundred and fifty pounds or to both such imprisonment and fine.

16. - (1) A Police Officer of a rank not lower than Sergeant or any employee appointed for the purpose by the Council may, at any reasonable time including the time when premises are in use, enter any such premises for which a licence is required under this Ordinance or any bye-laws made thereunder for the purpose of ascertaining whether the terms and conditions of such licence are being complied with.

Power to Police to enter business and trade premises.

(2) Any person who prevents or obstructs any person authorised under subsection (1) above in the exercise of the powers conferred upon him by that subsection shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding four hundred and fifty pounds or to both such imprisonment and fine.

17. - (1) The Head of the Community or any person authorised by him in writing in that behalf may without warrant enter any premises affected by this Ordinance other than a dwelling house at any time between the hours of sunrise and sunset or, in the case of any business premises at any hour when the business is usually carried on, for the purpose of ascertaining whether the provisions of this Ordinance or any bye-law made thereunder are being complied with.

Power to Head of community to enter business premises.

(2) Any person who prevents or obstructs any person authorised under subsection (1) of this section in the exercise of the powers conferred upon him by that subsection shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

18. Any person who obstructs any officer or servant of the Council in the execution of his duties under the provisions of this Ordinance or any bye-law made thereunder shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding two hundred pounds or to both such imprisonment and fine and the Court may order such person to pay

Obstructing officers of Council in their duties is an offence.

to the Council such sum as the Court may deem fit by way of compensation for such obstruction.

Council to sue or
be sued in its
name.

19. - (1) In all legal proceedings the Council may sue and be sued in its name.

(2) A council shall, for the purposes of this Ordinance, bear the name "Council of"
(inserting the name of the community).

(3) Any Council may appear before the Court or in any legal proceedings by the Head of the Community or the Council Secretary or by any officer or member of the Council authorised generally or in respect of any special proceedings by the Council; and the service of any summons or order or other proceeding upon the Head of the Community shall be deemed effective service on the Council.

Collection of fees,
charges and rates
remaining unpaid.

20. - (1) If any rates, fees, rents or charges payable under this Ordinance or any bye-law made thereunder are not paid when properly due, the Council may collect them as a civil debt together with an increase as provided in subsection (2).

(2) If any rates, fees, rents or charges payable under this Ordinance or any bye-law made thereunder are not paid when properly due they shall be increased by twenty-five per centum.

Court to impose on
offenders payment
of rates etc.
remaining unpaid.

21. Whenever a person is convicted of an offence under this Ordinance or any bye-law made thereunder the Court trying the offence shall, in addition to any other penalty it may impose on such person, order such person to pay any rates, fees, rents or charges payable in respect of the matter to which the offence relates.

Compounding of
offences.

22. Notwithstanding anything in this Ordinance contained, the Area Officer may compound any offence against this Ordinance or any bye-law made thereunder by accepting from the person who has committed or is reasonably suspected of having committed such offence a payment not exceeding the maximum monetary penalty prescribed for the offence by this Ordinance or the respective bye-law made thereunder. The amount so collected shall be paid into the Community Fund of the overlapping community concerned and shall form part thereof.

Regulation of
traffic.

23. - (1) A Council may, within the boundaries of an overlapping community and with the concurrence of the Chief Constable, make bye-laws with the approval of the Chief Officer, to regulate and control traffic in any street, which may include power –

- (a) to fix places where vehicles can stand when not actually in motion and fix the number and types of vehicles which shall be permitted to stand at such places and regulate any matter in connection therewith;
- (b) to fix streets or places where vehicles can park, to provide for the installation of parking meters on such streets or places, as well as the regulation of parking on them, to prescribe the fees payable for the use of such places and to approve the fixing of fees for the parking of vehicles on private parking places;
- (c) to prohibit or restrict any kind of traffic other than pedestrian;
- (d) to regulate and fix pedestrian and student crossings on public streets;

- (e) to declare any street or part thereof as a one-way traffic street for vehicles and animals or to abolish any one-way traffic street;
- (f) to regulate the movement of pedestrians and of persons riding a bicycle, a motor cycle or auto cycle or pushing a bicycle or motor cycle or pushing perambulators or hand-driven vehicles and the movement of any animals whether ridden or not;
- (g) to erect, exhibit, place or paint signs for the regulation of traffic and to prevent the erection, exhibition, placing or painting in the proximity of any such signs of any other sign or other thing:

Provided that such signs shall be similar to those provided by the Motor Vehicles and Road Traffic Ordinance and the Regulations made thereunder;

- (h) to regulate the removal of any vehicle which is unlawfully or dangerously parked or abandoned on a street or in a manner which obstructs traffic;
 - (i) to require persons to give information to a police officer, traffic wardens or other authorised persons regarding any accident in any street involving a vehicle;
 - (j) to make the necessary arrangements for patrols and regulation of traffic when students use pedestrian crossings on the way to and from their school and to authorise suitable persons who wear a uniform prescribed by the Council and approved by the Chief Constable so that on their showing the prescribed sign every person driving a vehicle near the movement of students through a street crossing shall be required to stop the vehicle and generally to regulate any matter related to the crossing of streets by students; and
 - (k) to prohibit the obstruction or interference in the use of any street.
- (2)(a) The Council may, after consulting the Chief Constable, appoint, after appropriate written examinations, as traffic wardens efficient and suitable persons under such terms and conditions as the Council may determine and the provisions of the Republican law regarding Council employees shall apply to such wardens including the disciplinary and dismissal provisions;
- (b) the remuneration of traffic wardens and any other related expenditure incurred by the Council regarding their employment shall be paid out of the Community Fund;
 - (c) the duties carried out by traffic wardens shall be laid down by the Council with the concurrence of the Chief Constable;
 - (d) before taking up their duties, traffic wardens shall be suitably trained by the Chief Constable who shall be responsible for arranging such training;
 - (e) the Chief Constable shall on behalf of the Council supervise traffic wardens in the execution of their duties and shall report to the Council any irregularity or failure to perform a duty by any traffic warden;

- (f) traffic wardens shall wear a uniform as prescribed by the Council and approved by the Chief Constable and shall not act as traffic wardens when they do not wear such uniform;
 - (g) in the performance of their duties and only to the extent allowed by such duties, traffic wardens shall have power to take down the name and address of any person who contravenes or fails to comply with the bye-laws or the instructions of traffic police officers and to require any such person to give any relevant information and provide all the necessary data in respect of any vehicle which has been involved in such contravention or failure;
 - (h) in relation to offences which fall within the functions of Police Officers or Area Officers to which the Fixed Penalty Ordinance 1998 applies, subject to the approval of the Chief Constable and Chief Officer, the functions carried out by Police Officers and Area Officers under the above mentioned Ordinance may be delegated to traffic wardens but only in so far as the normal duties of traffic wardens are concerned;
 - (i) every person who, when called upon by a traffic warden, fails to give his name and address or any other relevant information or gives a false name or address or false information shall be guilty of an offence.
- (3)(a) Any person who contravenes any bye-law made under the provisions of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding four hundred and fifty pounds or to both such imprisonment and fine and the Court trying the case may order that the driving licence of the person convicted in relation to any vehicle connected with the commission of the offence shall be cancelled or suspended for such period while it is in force as the Court may deem fit:

Provided that where any person has been sentenced by any Court to pay a fine in respect of a contravention of the Motor Vehicles and Road Traffic Ordinance and/or the Regulations made thereunder which has been committed within the boundaries of an overlapping community, such fine shall be paid into the Community Fund and shall form part thereof;

- (b) where an act or omission constitutes an offence under any bye-laws made under this section and also under any regulations made under the Motor Vehicles and Road Traffic Ordinance, the offender shall be liable to be prosecuted and punished either under such bye-laws or under such regulations but shall not be liable to be punished twice for the same offence.
- (4) For the purposes of this section –

“motor vehicle” means any mechanically propelled vehicle or any trailer drawn thereby and has the meaning assigned to this expression by the Motor Vehicles and Road Traffic Ordinance and includes an auto cycle, motor lorry, bus, any vehicle propelled by electric power or propelled on caterpillar tracks

as defined in the Motor Vehicles and Road Traffic Regulations but does not include vehicles constructed exclusively for use on rails;

“parking place” means any place where motor vehicles may park in accordance with the arrangements made by the Council;

“traffic” includes bicycles, tricycles, motor vehicles, vehicles of every description, traffic wardens, pedestrians and all animals being ridden, driven or led.

24. - (1) Notwithstanding anything in any Ordinance contained, the Chief Officer may, on the application of a Council and on payment by such Council of such an annual sum as the Chief Officer may from time to time determine, remit any Court fees payable by the Council in respect of any legal proceedings instituted by the Council for the enforcement of the provisions of this Ordinance or any bye-law made thereunder and thereafter no such fees shall be paid by any Council in respect of which such remission has been made.

Commutation of Court fees.

(2) No advocate’s fee shall be awarded by the Court against any person in any proceedings instituted by a Council in respect of which the Court fees have been remitted under the provisions of subsection (1):

Provided that provision may be made in the estimates of such Council for the remuneration of advocates employed for the conduct of prosecutions or to advise the Council in any legal matters.

25. - (1) Notwithstanding anything contained in this Ordinance or any bye-laws made thereunder, no Council of any overlapping community shall be permitted to issue any licence in respect of the carrying on or setting up of any commercial or industrial enterprise in the Areas unless a business licence is produced from the appropriate authority under section 21 of Ordinance 5 of 1960.

Certain licences by Council to be subject to Ordinance 5 of 1960.

(2) Licences to keep trade premises as provided in section 85A of the Republican Law (No. 51(1) of 2000) shall only be granted with the approval of the Area Officer.

26. Otherwise than specifically provided in this Ordinance, no person or corporate public or private body shall be exempt from payment of any taxes, fees, rates or charges payable under the Republican law or this Ordinance or any bye-laws made under this Ordinance.

No exemption from payment of rates, taxes etc.

27. The Administrator shall have power to make Regulations in respect of any matter which requires to be prescribed under this Ordinance and generally for the better carrying out of the provisions of this Ordinance.

Regulations.

28. The Administrator may by Order published in the Gazette and after consultation with the appropriate local authorities –

Power to establish or abolish a Community.

(a) establish any new Community;

(b) abolish any Community;

(c) define or alter the boundaries of any Community.

29. - (1) Any Court of the Areas may take judicial notice of the Republican Law for the purposes of any criminal proceedings in the Areas.

Judicial notice to be taken of the Republican Law.

- (2) (i) For the purposes of this section the production of a copy of any part of the Republican Law –
- (a) contained in any printed collection of laws purported to be printed and published by an authority of the Republic; or
 - (b) contained in any issue of the Gazette of the Republic; or
 - (c) purported to be printed by the Government Printer of the Republic, by whatever name called,

shall be incontrovertible evidence in Court and for all purposes whatever of the due and lawful making of such law;

- (ii) For the purposes of this section, a version of any part of the Republican Law in the English language -
- (a) purported to be produced by any authority of the Republic; or
 - (b) certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican Law was published in the Republic; or
 - (c) given or produced in the course of the oral evidence of any person whom the court considers to be a competent translator for the purpose; or
 - (d) stated orally in Court or produced in writing by a Registrar or official Court interpreter,

may be held by the Court to be incontrovertible evidence for all purposes whatsoever that such version is the accurate English version of the Republican Law or part of the Republican Law in question.

Appeals.

30. - (1) Any person aggrieved by -

- (a) the refusal of the Council to grant or renew a licence or permit;
 - (b) the withdrawal, suspension or revocation of a licence or permit by the Council;
 - (c) the imposition or assessment by the Council of any sum,
- may within 14 days from the decision of the Council upon any matter as in this section mentioned appeal to the Chief Officer.

(2) Every appeal shall be in writing, signed by the appellant, and shall set out the grounds upon which it is founded.

(3) The Chief Officer shall where he establishes that the decision of the Council is contrary to the Ordinance, revoke or amend such decision.

31. - (1) The following Ordinances are hereby repealed –

The Villages (Administration and Improvement) Ordinance;

The Village Authorities Ordinance;

The Public Health (Villages) Ordinance;

The Water (Domestic Purposes) Village Supplies Ordinance.

Repeals. Cap. 243 (Laws of Cyprus) and Ordinances 1/92 and 2/95. Cap. 244 (Laws of Cyprus) and Ordinance 26/63. Cap. 259 (Laws of Cyprus) and Ordinances 5/64, 1/88, 3/90 and 17/91. Cap 349 (Laws of Cyprus) and Ordinance 13/90.

(2) Any bye-laws made under the provisions of the Ordinances repealed by subsection (1) above shall remain in force until amended or revoked by new bye-laws made under the provisions of this Ordinance and shall apply as if made in accordance with the provisions of this Ordinance.

(3) Any order made under the Ordinances so repealed, until it is amended or revoked in accordance with the provisions of this Ordinance, shall be deemed to have been made under this Ordinance and shall apply as if made in accordance with the provisions of this Ordinance.

(4) Any appointment, authorisation, approval or any other act made by a Commission or Board under the provisions of the Ordinances so repealed or the bye-laws made thereunder, shall be deemed to have been made in accordance with the provisions of this Ordinance.

(5) Any licence granted or issued by virtue of the provisions of the Ordinances so repealed, shall be deemed to have been granted or issued in accordance with the provisions of this Ordinance.

32. Notwithstanding the provisions of section 13 of the Republican law, the existing Heads of community, members of Village Commissions and the elected members of Improvement Boards shall continue to serve in the overlapping communities until the date when the term of office of the elected Councils under the Republican law begins:

Transitional provisions.

Provided that the terms of office of members of those Village Commissions which function in Improvement Areas under the Village Authorities Ordinance, repealed by section 31 of this Ordinance, shall terminate upon the enactment of the Ordinance.

SCHEDULE

THE OVERLAPPING COMMUNITIES ORDINANCE

(Section 9)

NOTICE is hereby given that the following immovable property (describe immovable property, giving measurements and showing boundaries whenever practicable) is required by the Council of the for (set out the public purpose).

Any person claiming to have any right or interest in the said immovable property, who objects to the acquisition of such property, is required within six weeks from the date of the posting of this notice to send to me a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The Council of the aforesaid community is willing to treat for the acquisition of the said immovable property.

A plan showing the immovable property described above is available for inspection at

Dated this day of 20

Area Officer of

Posted this day of 20

12th December 2001
(109/2)

D.J. BONNER,
Chief Officer.