

ORDINANCE 35 OF 2004

**AN ORDINANCE
TO PROVIDE FOR THE PROTECTION OF PROPERTY**

**P. T. C. Pearson CBE
ADMINISTRATOR**

23rd December 2004.

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 Protection of Property Ordinance 2004. Short title.

2. In this Ordinance, “the property right” means the right to peaceful enjoyment of property as provided for by section 3. Interpretation.

3.—(1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions. The property right.

(2) No one shall be deprived of his possessions except –

- (a) where such deprivation is in the public interest; and
- (b) it is subject to the conditions provided for by law and by the general principles of international law.

(3) Subsections (1) and (2) shall not in any way impair the right of the Administrator to enforce such laws as he deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

4.—(1) The following provisions of the Human Rights Ordinance 2004 shall apply, so far as relevant, to the property right as if such right were a Convention right as defined by section 2 of that Ordinance – Application of parts of the Human Rights Ordinance 2004 9/2004.

- (a) section 4 (interpretation of Convention rights);
- (b) section 5 (interpretation of legislation);
- (c) section 6 (declaration of incompatibility);
- (d) section 7 (right of Attorney General and Legal Adviser to intervene);

- (e) section 8 (acts of public authorities);
- (f) section 9 (proceedings);
- (g) section 10 (judicial remedies);
- (h) section 11 (judicial acts);
- (i) section 12 (power to take remedial action);
- (j) section 13 (safeguard for existing human rights);
- (k) schedule 2.

Ordinance 9/2004. (2) Any rules of court made under any provision of the Human Rights Ordinance 2004 shall apply, so far as relevant, to the property right as if such right were a Convention right as defined by section 2 of that Ordinance.

Ordinance 10/2004. (3) For the purposes of section 5 of the Courts (Judicial Review) Ordinance, the property right shall be taken to be a Convention right.

Commencement and application to the Crown. **5.—**(1) This Ordinance shall come into force on a date to be appointed by the Administrator and published in the Gazette.

Ordinance 9/2004. (2) Paragraph (b) of subsection (1) of section 9 of the Human Rights Ordinance shall apply, as provided for by section 4 above, to proceedings brought by or at the instigation of a public authority whenever the act in question took place; but otherwise that subsection does not apply to an act taking place before the coming into force of this Ordinance.

(3) This Ordinance binds the Crown.

(128/289)

Chief Officer.

23rd December 2004

(128/289)

P. D. Draycott

Chief Officer.