
OVERLAPPING COMMUNITIES (AMENDMENT) ORDINANCE 2007

An Ordinance to amend the Overlapping Communities Ordinance.

R. H. LACEY
ADMINISTRATOR

13th August 2007.

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

1. Short title

This Ordinance may be cited as the Overlapping Communities (Amendment) Ordinance 2007.

2. Amendment

Section 5 of the Overlapping Communities Ordinance 2001**(a)** is repealed and the following section is substituted—

“5. Elected Councils in the Republic to exercise powers and duties in the Areas

- (1) 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.
- (2) No Court of the Areas may entertain any challenge in proceedings under this Ordinance to the lawfulness of the election of a Council of an overlapping community, and accordingly it is irrelevant for the purposes of this Ordinance whether such an election took place wholly or partly in the territory of the Republic, the territory of the Areas or elsewhere.”

3. Repeal

The Overlapping Communities (Amendment) Ordinance 2006**(b)** is repealed.

4. Commencement

This Ordinance comes into force on the day on which it is published in the Gazette.

Notes

(a) Ordinance 27/01. Section 5 was amended by Ordinance 15/06, which is repealed by this Ordinance.

(b) Ordinance 15/06.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. These explanatory notes relate to the Overlapping Communities (Amendment) Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance. The notes should be read in conjunction with the Ordinance.
2. The Ordinance amends the Overlapping Communities Ordinance 2001, which gives powers and duties to the councils of villages which fall partly in the Areas and partly in the Republic. The amendment replaces section 5(2), which was inserted by Ordinance 15/06.
3. The amendment corrects a mistaken reference in section 5(2) to an election which “took part” in the Areas, instead of “took place”. It also makes explicit that courts of the Areas cannot entertain challenges under the 2001 Ordinance to the lawfulness of elections of Councils of overlapping communities. Those elections are governed by the relevant law of the Republic and are subject to the courts of the Republic. This Ordinance also repeats the effect of the new subsection introduced by Ordinance 15/06, that for the purposes of the 2001 Ordinance it is irrelevant where such an election took place.
4. The Ordinance reproduces subsection (1) without amendment, so as to be able to repeal the whole of Ordinance 15/06, in the interests of avoiding proliferation of Ordinances.

(SBA/AG/2/MI/241)