

---

**PROTECTION OF THE ENVIRONMENT (AMENDMENT) ORDINANCE 2008**

---

An Ordinance to amend the Protection of the Environment Ordinance 1998

**J. H. GORDON**  
**ADMINISTRATOR**

*7th November 2008.*

**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 Protection of the Environment (Amendment) Ordinance 2008.

**2. Section 8 repealed and replaced**

Section 8 of the Protection of the Environment Ordinance 1998(a) (concerning tree protection orders) is repealed and replaced by the following section:

**“8. Tree protection orders**

- (1) If it appears to the Area Officer to be expedient in the interests of amenity to make provision for the protection of a tree, group of trees or woodlands, he may for that purpose make a tree protection order with respect to such tree, groups of trees or woodlands as may be specified in the order.
- (2) An order under subsection (1) is in this Ordinance referred to as a “tree protection order”.
- (3) A tree protection order may, in particular, make provision-
  - (a) for prohibiting, subject to such exemptions for which provision may be made by the order, the cutting down, lopping, topping, uprooting, intentional damage or intentional destruction of trees except with the consent of the Chief Officer, and for enabling the Chief Officer to give his consent subject to conditions; or

- (b) for securing the replanting, in such manner as may be prescribed in the order, of any part of a woodland which is felled in the course of forestry operations permitted by or under the order.
- (4) Subject to subsection (5), a person must not contravene a tree protection order.
- (5) Without prejudice to any other exemptions for which provision may be made by a tree protection order, no such order applies to-
  - (a) the cutting down, lopping, topping or uprooting of a tree which is dying or dead or has become dangerous, or
  - (b) the cutting down, lopping, topping or uprooting of a tree in compliance with obligations imposed by legislation or so far as may be necessary for the prevention or abatement of a nuisance.
- (6) The Administrator may make regulations:
  - (a) prescribing the procedure for making a tree protection order, and
  - (b) in relation to an application for consent under a tree protection order, prescribing the form and manner in which an application is to be made, and specifying the documents or other materials that are to be included in the application.”.

### **3. Commencement**

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

## **EXPLANATORY NOTE**

**(This note does not form part of the Ordinance)**

1. This note relates to the Protection of the Environment (Amendment) Ordinance 2008. The note has been prepared by the office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

2. The Ordinance replaces section 8 of the Protection of the Environment Ordinance with a new section 8. Unlike the previous version of section 8, there is no detailed provision for the procedure for making and confirming tree protection orders. Any such provision is to be made by regulation under section 8. Another change from the previous version is that tree protection orders are to be made by the Area Officer rather than the Chief Officer.

(SBA/AG/2/EN/242)

