
PREVENTION OF FIRES IN OPEN COUNTRY (AMENDMENT) ORDINANCE 2010

An Ordinance to amend the Prevention of Fires in Open Country Ordinance

J. H. GORDON
ADMINISTRATOR

26th March 2010.

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 Prevention of Fires in Open Country (Amendment) Ordinance 2010.

2. Section 2 (Interpretation) amended

Section 2 of the Prevention of Fires in Open Country Ordinance(**a**) (“the principal Ordinance”) is amended by inserting the following definition in the appropriate alphabetical place—

““fire officer” has the same meaning as in the Fire Service Ordinance 2010(**b**);”.

3. Section 3 (Requisitioning of services for extinguishing a fire) amended

Section 3(1) of the principal Ordinance is amended by repealing the following—

“the Area Officer or any officer designated in writing by him as his representative for the purposes of this Ordinance, any forest officer or police officer”

and replacing it with the following—

“the Area Officer (or anyone representing him), a forest officer, a fire officer or a police officer”.

4. New section 10 inserted

After section 9 of the principal Ordinance, the following new section is inserted—

“10. Delegation to the Republic

- (1) The power conferred on a fire officer by section 3(1) is a modified general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(c).
- (2) The modification applicable to a delegation under subsection (1) is that section 17 of the 2007 Ordinance does not apply in respect of a member of the police force of the Republic who is also a member of the Fire Service of the Republic.”.

5. Commencement

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

Notes

- (a) Ordinance 13/89 (there have been several previous amendments to this Ordinance, but none to section 3).
- (b) Ordinance 4/10.
- (c) Ordinance 17/07.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Prevention of Fires in Open Country (Amendment) Ordinance 2010 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The note should be read in conjunction with 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.

Particular points

3. The Ordinance amends the Prevention of Fires in Open Country Ordinance 1989 (“the principal Ordinance”). Section 3(1) of the principal Ordinance gives specified officers a power to summon certain members of the public to assist in fighting a fire. The Ordinance makes two changes to the officers on whom that power is conferred. First, it confers the power on any representative of the Area Officer, rather than on officers designated in writing by the Area Officer. Second, it extends the power to fire officers as defined in the Fire Service Ordinance 2010.

4. The power conferred on fire officers by section 3(1) is made a modified general delegated function. Delegated functions are functions which may be carried out in the Areas by an officer of the Republic on whom a corresponding function is placed under Republican law. The Delegation of Functions to the Republic Ordinance 2007 (“the 2007 Ordinance”) sets out the effects and limits of delegation. Those effects are modified in this instance by disapplying section 17 of the 2007 Ordinance (which prevents Republican police officers exercising any functions in the Areas) so that the power in section 3(1) can be exercised by members of the Republican Fire Service even though they are also police officers. Republican police officers who are not also members of the Republican Fire Service are not able to exercise that power.

5. The amended section 3(1) power more closely replicates the effect of the equivalent provision in the Republic (section 3(1) of the Prevention of Fires in Open Country Law 220/88).

