
FIXED PENALTY (AMENDMENT) ORDINANCE 2014

An Ordinance to amend the Fixed Penalty Ordinance 2010 and related purposes

R.J. CRIPWELL
ADMINISTRATOR

28 October 2014

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

Short title and commencement

1. This Ordinance may be cited as the Fixed Penalty (Amendment) Ordinance 2014 and comes into force on 1 November 2014.

Amendments to section 3 (serving of notice on offenders) of Fixed Penalty Ordinance 2010

2.—(1) Section 3 of the Fixed Penalty Ordinance 2010(**a**) is amended as follows.

(2) In subsection (2)—

(a) add “or” after paragraph (b); and

(b) add the following paragraph—

(a) Ordinance 25/2010. The schedules to the Ordinance were amended by P.I. 8/2013 and 23/2013.

“(c) in the case of an offence under the Dogs Ordinance 2006^(a) in relation to land occupied, or to which access is controlled or restricted, by the Crown and premises on such land, any person appointed by the Chief Officer.”.

(3) In subsection (4) omit the numbers from “35” to “38” (inclusive).

Amendments to Schedule 2 (offences falling within the jurisdiction of the SBA Police, Area Officers and investigating officers) to Fixed Penalty Ordinance 2010

3. Schedule 2 to the Fixed Penalty Ordinance 2010 is amended in accordance with the Schedule to this Ordinance.

Amendment to Fixed Penalty (Fixed Penalty Notices and Receipts) Regulations 2009

4. Regulation 3 of the Fixed Penalty (Fixed Penalty Notices and Receipts) Regulations 2009^(b) is amended by adding the following paragraph—

“(3) A person appointed by the Chief Officer under section 3(2)(c) of the Fixed Penalty Ordinance 2010 to issue and serve a notice in the case of an offence under the Dogs Ordinance 2006 may use the form of notice and receipt prescribed for an Area Officer, with appropriate modifications.”.

(a) Ordinance 9/2006 as amended by Ordinances 23/2007, 25/2010 and 33/2014.
(b) P.I. 9/2009.

SCHEDULE

Section 3

Amendments to Schedule 2 to Fixed Penalty Ordinance 2010

1. The following serial numbers are repealed—

- (a) serial numbers 13, 14 and 15 (offences under the Public Rivers Protection Ordinance 1980**(a)**);
- (b) serial numbers 30 and 31 (offences under the Public Waterworks Ordinance**(b)**);
- (c) serial numbers 34 to 38 (offences under the Wells Ordinance**(c)** and Water Supply (Special Measures) Ordinance 1964**(d)**);
- (d) serial number 70 (offence under Children Ordinance**(e)**);
- (e) serial number 103 (offence under Sea Bathers (Protection) (Consolidation) Ordinance 1986**(f)**).

2. For serial number 12A substitute—

“12A.	(i) Bringing an animal onto the seashore or permitting an animal to enter the sea surrounding the seashore; (ii) Failing to comply with conditions imposed in Order which permits dogs in a designated area of the seashore.	€85	Seashore Protection Ordinance 2013 (g)	Section 12(1), (4) and (5) ”.
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3. After serial number 44G insert—

“44H.	(i) Pestors another person for the purpose of soliciting for customers; (ii) Unless licensed under Republican law enters into an agreement with another person for the purpose of directing customers to relevant commercial premises; (iii) encourages, incites or employs another person to do (i) or (ii).	€85	Criminal Code (h)	Section 188A(1) ”.
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4. For serial number 95 substitute —

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- (a) Ordinance 15/1980 which was repealed by section 145(1) of and Part 1 of Schedule 1 to the Water (Integrated Management of Water Resources) Ordinance 2014 (Ordinance 16/2014).
 - (b) Cap 341. Statute Laws of Cyprus revised edition 1959, which was repealed as cited above.
 - (c) Cap 351, Statute Laws of Cyprus revised edition 1959, which was repealed as cited above.
 - (d) Ordinance 14/1964, which was repealed as cited above.
 - (e) Cap 352 Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) provides for the interpretation of such legislation.
 - (f) Ordinance 4/1986 which was repealed and re-enacted with amendment by Ordinance 11/2014.
 - (g) Ordinance 10/2013. Section 12 was substituted by section 5 of Ordinance 31/2014.
 - (h) Cap 154 Laws of Cyprus revised edition 1959; section 188A was inserted by Ordinance 15/2014.

“95.	Disposing of, leaving or accumulating rubbish, sewage or other toxic fuel or substance.	€30	Forests Ordinance 2014(a)	Section 32(1)(j) and (4)”.
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5. For serial numbers 102 and 103 substitute the following—

“101.	Using, or permitting the use of, a boat or a motor vehicle in a sea bathing area.	€85	Sea Bathers (Protection) Ordinance 2014(b)	Section 5(1)(a)
102.	Anchoring a boat or parking a motor vehicle in a sea bathing area.	€85	Sea Bathers (Protection) Ordinance 2014	Section 5(1)(b)”.

6. In the column headed “Provision” in serial numbers 131 to 141 omit “18(a)”, “18(b)” “18(c)”, “18(e)” and “18(f)”, wherever the expressions occur, and substitute “18(1)(a)”, “18(1)(b)” “18(1)(c)”, “18(1)(e)” and “18(1)(f)” respectively.

7. After serial number 139 insert—

“139A.	Allowing a dog to defecate in a public place without the person for the time being in charge of the dog collecting the excrement.	€34	Dogs Ordinance 2014	Section 18(1)(e)(ii)
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8. After serial number 140 insert—

140A.	Allowing a dog to injure a person in a public place.	€34	Dogs Ordinance 2014	Section 18(1)(e)(v)
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9. After serial number 141 add—

142.	Damaging or destroying a public waterworks or interfering with the flow or distribution of water connected with a public waterworks.	€17	Water (Integrated Management of Water Resources) Ordinance 2014(c)	Section 55(1) or (2)
143.	Without lawful authority, taking, transporting, withdrawing or diverting water from a public waterworks.	€17	Water (Integrated Management of Water Resources) Ordinance 2014	Section 55(3)
144.	Without a permit, digging, constructing, widening, deepening, enlarging or otherwise modifying a borehole or other waterworks, or causing or allowing such works.	€34	Water (Integrated Management of Water Resources) Ordinance 2014	Section 80(1) and (5)

(a) Ordinance 26/2014.
(b) Ordinance 11/2014.
(c) Ordinance 16/2014.

145.	Without a permit, constructing or modifying waterworks for the purpose of impounding water at any point where surface water flows; maintaining, operating or decommissioning waterworks for the purpose of impounding water; or causing or allowing another person to do any such works.	€34	Water (Integrated Management of Water Resources) Ordinance 2014	Section 81(1) and (4)
146.	Without a permit, abstracting water from any place.	€34	Water (Integrated Management of Water Resources) Ordinance 2014	Section 82(1) and (4)
147.	Contravening conditions in a permit.	€34	Water (Integrated Management of Water Resources) Ordinance 2014	Section 112(1)
148.	Without a licence, remove or carry away stones, shingle, gravel, sand, soil or other substance from the bed or bank of a river or of any part of a river.	€25	Water (Integrated Management of Water Resources) Ordinance 2014	Section 116(2), (3)(a) and (13)
149.	Without a licence, dump rubble, rubbish, sweepings or other refuse in the bed of any river or in the bed of any part of a river or on or upon the bank of a river or of any part of a river.	€341	Water (Integrated Management of Water Resources) Ordinance 2014	Section 116(2), (3)(b) and (13)
150.	Without a licence, place or install vehicle, machinery or any other object in the bed of a river or on the bank of a river which could be used to take stones, shingle, gravel, sand or other substance from the river.	€25	Water (Integrated Management of Water Resources) Ordinance 2014	Section 116 (2), (3)(c) and (13)
151.	Obstructing an authorised person, failing to supply information or supplying misleading information; or without reasonable cause failing to provide safe access or facilities to an authorised person.	€34	Water (Integrated Management of Water Resources) Ordinance 2014	Section 122(1)" .

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Fixed Penalty (Amendment) Ordinance 2014 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Order. It does not form part of the Ordinance.
2. This Order amends the Fixed Penalty Ordinance 2010 (the “principal Ordinance”). The principal Ordinance provides a power to dispose of offences specified in the Schedules to the principal Ordinance by way of a fixed penalty. The offence is specified in the columns in the tables in the Schedules headed “legislation” and “provision”. The description of the offence in the 2nd column is a summary, and is not intended to limit the application of a fixed penalty.
3. Section 2 amends section 3 of the principal Ordinance. It provides that the Chief Officer may appoint a person to issue fixed penalty notices for offences under the Dogs Ordinance 2006 and omits references in subsection (4) which are consequential to amendments made to Schedule 2.
4. Section 3 and the Schedule amend Schedule 2 to the principal Ordinance making consequential changes to the offences for which a fixed penalty notice may be issued following the repeal and re-enactment of legislation relating to the seashore, sea-bathing areas, forests and water management, an amendment to the Criminal Code and amendments to the Dogs Ordinance 2006. The offences specified in Schedule 2 to the principal Ordinance fall within the jurisdiction of the SBA Police, Area Officers, an investigating officer authorised under the Criminal Procedure Ordinance, and in respect of the Dogs Ordinance 2006, a person appointed by the Chief Officer.
5. Section 4 amends the Fixed Penalty (Fixed Penalty Notices and Receipts) Regulations 2009 to provide that a person appointed by the Chief Officer to issue fixed penalty notices for offences under the Dogs Ordinance 2006 may use the forms prescribed for Area Officers, appropriately modified.

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