
**PROTECTION OF THE ENVIRONMENT (TREE PROTECTION ORDERS)
REGULATIONS 2008**

In exercise of his powers under section 8 of the Protection of the Environment Ordinance 1998 (a) the Administrator makes the following Regulations:-

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Protection of the Environment (Tree Protection Orders) Regulations 2008 and come into force on the day on which they are published in the Gazette.

(2) In these Regulations -

“land affected by the order” includes any land adjoining the land on which the tree, group of trees or woodlands as the case may be is situated;

“order” means a tree protection order;

“persons interested” in relation to land affected by an order, means every owner and occupier of the land and every other person whom the Area Officer knows to be entitled to cut down any tree to which the order relates; and

any reference in these Regulations to a numbered section is a reference to the section so numbered in the Protection of the Environment Ordinance 1998.

Form of tree protection order

2. (1) An order is to be in the form set out in Schedule 1 to these Regulations, or in a form substantially to the same effect and –

- (a) must specify the tree, group of trees or woodlands to which it relates,
- (b) where the order relates to a group of trees, must specify the number of trees in the group, and
- (c) must indicate the position of the tree, group of trees or woodlands, as the case may be, by reference to the relevant Government Survey Plan of the Republic (“the Plan”).

(2) An order must contain or have annexed to it a copy of the Plan, and where the copy Plan is annexed to it, it is to be treated as part of the order.

Procedure after making order

3. As soon as practicable after making an order, and before it is confirmed, the Area Officer must ensure that a copy of the order is -

- (a) served on the persons interested in the land affected by the order, where their identity can readily be ascertained,
- (b) displayed, for 45 days after the making of the order, in each of the following places:
 - (i) in a conspicuous place near the tree, group of trees or woodlands as the case may be,
 - (ii) in a conspicuous place in the village in which is situated the office of the community council responsible for the area in which the tree, group of trees or woodlands is situated, and

- (iii) on the notice board outside the Area Office.
- (c) sent to:
 - (i) the office of the community council responsible for the area in which the tree, group of trees or woodlands is situated and
 - (ii) the Department of Town Planning and Housing of the Republic.
- (d) published in the Gazette and in at least one daily newspaper having a circulation in the Areas, and
- (e) made available for public inspection free of charge at the Area Office at all reasonable hours.

Objections and representations

4. (1) Subject to paragraph (2), any objections and representations –

- (a) must be made in writing and specify the name and address of the person making the objection or representation, and must be:
 - (i) delivered to the Area Office no later than 45 days after the making of the order, or
 - (ii) sent to the Area Office in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date, or
 - (iii) emailed to the Area Office not later than that date, and
- (b) must specify the particular tree, group of trees or woodlands, as the case may be, in respect of which the objections or representations are made, and
- (c) in the case of an objection, must state the reasons for the objection.

(2) The Area Officer may treat as duly made any objections and representations which do not comply with the requirements of paragraph (1) if, in a particular case, he is satisfied that compliance with those requirements could not reasonably have been expected.

Procedure for confirmation of a tree protection order

5. (1) The Area Officer must give the Chief Officer a copy of the order and any representations or objections, and indicate to the Chief Officer his own views.

(2) The Chief Officer must not confirm an order unless he has first considered any objections and representations.

(3) The Chief Officer may -

- (a) confirm an order without modification,
- (b) confirm an order with modification, or
- (c) decide not to confirm an order.

(4) If an order is confirmed, it is to be endorsed to that effect by completing the part of the order headed “Endorsement on confirmation by the Chief Officer” and the endorsement is to indicate –

- (a) that the order was confirmed with modifications or without modification, as the case may be, and
- (b) the date on which it is confirmed, and
- (c) the modifications, if any.

Action if tree protection order is confirmed

6. If an order is confirmed, the Area Officer must as soon as practicable -

- (a) notify, and if there has been a modification, send a copy of the endorsed order to, the following –
 - (i) the persons interested in the land affected by the order, and
 - (ii) the office of the community council responsible for the area in which the tree, group of trees or woodland is situated,

- (b) send a copy of the endorsed order and particulars of the immovable property to which it relates to the District Officer, the District Lands Officer, the Divisional Officers of the Department of Town Planning and Housing, the Forestry and Antiquity Departments and to the Head of the Mines Service of the Republic,
- (c) ensure that a copy of the endorsed order is published in the Gazette, and
- (d) ensure that a copy of the endorsed order is available for public inspection at the Area Office free of charge during reasonable hours.

Action if tree protection order is not confirmed

7. If the Chief Officer decides not to confirm an order, he must as soon as practicable revoke the order, and the Area Officer must as soon as practicable –

- (a) notify the persons interested in the land affected by the order, and
- (b) withdraw from public inspection the copy of the order displayed and made available in accordance with regulation 3.

Application for consent to cut down etc

8. Any application for consent made under section 8(3) of the Protection of the Environment Ordinance 1998 is to be in the form set out in Schedule 2 to these Regulations, or in a form substantially to that effect.

SCHEDULE I

(Regulation 2)

Public Instrument of XXXX
Published in Gazette No of XXXX

**PROTECTION OF THE ENVIRONMENT ORDINANCE (TREE PROTECTION) ORDER
XXXX**

In exercise of his powers under section 8 of the Protection of the Environment Ordinance 1998, the Area Officer makes the following Order:

Citation and commencement and expiry

1. (1) This Order may be cited as the [title of Order including year].
- (2) This Order comes into force on the day on which it is made.

Prohibited acts in relation to trees

2. A person must not
 - (a) cut down, lop, top, uproot, intentionally damage or intentionally destroy, or
 - (b) cause or permit the cutting down, lopping, topping, uprooting, intentional damage or intentional destruction of, or
 - (c) carry out any construction or excavation that may affect any tree specified in the Table to this Order or comprised in a group of trees or in woodlands so specified, except with the consent of the Chief Officer, and where such consent is given with conditions, in accordance with those conditions.

The Table

(Article 2)

A. Tree

(denoted with a green circle on the Plan)

S/N on the Sheet/Plan Plot Species/Description

Survey Plan

A1

A2

B. Group of trees

(denoted with a dashed green line on the Plan)

S/N on the Sheet/Plan Plot Species/Description

Survey Plan

01

02

C. Woodland

(denoted with a green line on the Plan)

S/N on the Sheet/Plan Plot Species/Description

Survey Plan

D1

D2

SCHEDULE 2

(Regulation 8)

TREE PROTECTION ORDER – APPLICATION FOR CONSENT

Application for the consent of the Chief Officer under section 8(3) of the Protection of the Environment Ordinance 1998

To the Chief Officer

1. Applicant (owner).....

Address.....

2. I, the owner of plot numbersheet/Plan.....in the town/village of

request the consent of the Chief Officer to carry out the following operation on a tree, group of trees or woodland which is identified in the attached Plan and is the subject of a tree protection order published in the Sovereign Base Areas Gazette and numbered P.I.on the(date)

3. Brief description of the intended operation:
 - (a) cutting down.....
 - (b) lopping
 - (c) topping
 - (d) destruction
 - (e) other operation that could affect the tree
4. List of Plans and other certificates attached –
 - (a) Government Survey Plan on which the position of tree is marked
 - (b) Title-deed

Signature of applicant

Date.....

Dated this 6th day of November 2008.

By the Administrator's Command,
 J. D. Wilson,
 Chief Officer,
 Sovereign Base Areas.

(SBA/AG/2/EN/242)

Notes
 (a) Ordinance 9/98.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 8 of the Protection of the Environment Ordinance 1998. They prescribe a procedure for the making of tree protection orders, which will protect specified trees by prohibiting certain operations (such as cutting down and uprooting but also including construction and excavation that could affect the trees in question) unless the prior consent of the Chief Officer has been obtained, and in accordance with any conditions that he may impose. They also prescribe the form in which tree protection orders are to be made, at Schedule 1 to the Regulations.

Regulation 8 prescribes the form for applying for the Chief Officer's consent to carry out an operation in relation to a tree that is the subject of a tree protection order. It prescribes the form in which any such application is to be made, at Schedule 2 to the Regulations.

The Regulations broadly replicate the effect of equivalent Regulations in the Republic of Cyprus.