
CONTROL OF WATER POLLUTION (CODE OF GOOD AGRICULTURAL PRACTICE)
ORDER 2008

The Chief Officer makes the following Order in exercise of his powers under section 7(2)(e) of the Control of Water Pollution Ordinance 2005(a).

Citation and Commencement

1. This Order may be cited as the Control of Water Pollution (Code of Good Agricultural Practice) Order 2008 and comes into force on the day on which it is published in the Gazette.

Interpretation

2. In this Order–

“Code of good agricultural practice” means a Code made under section 7(2)(e) of the Control of Water Pollution Law 2002(b) of the Republic which is in force in the Republic.

Adoption of the Republican Code of Practice

3. (1) A Code of good agricultural practice has effect in the Areas as if it had been made under section 7(2)(e) of the Control of Water Pollution Ordinance 2005.

(2) A person engaged in farming activities must have regard to a Code of good agricultural practice in order to avoid or minimise pollution of the environment.

Legal proceedings

4. (1) A court of the Areas may take judicial notice of a Code of good agricultural practice.

(2) For the purposes of this paragraph, the production of a copy of any part of a Code of good agricultural practice –

- (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic; or
- (b) contained in an issue of the Official Gazette of the Republic; or
- (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,

is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawful making of such Code of good agricultural practice.

(3) For the purposes of this paragraph, a version of any part of a Code of good agricultural practice in the English language –

- (a) purporting to be produced by an authority of the Republic;
- (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Code of good agricultural practice was published in the Republic;
- (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose;
- (d) stated orally in court or produced in writing by a Registrar or official court interpreter,

may in any of those cases be held by the Court to be conclusive evidence for all purposes whatsoever that such version is the accurate English version of the Code of good agricultural practice or part of it in question.

Dated this 3rd day of April 2008.

(SBA/AG/2/EN/69/13)

P. D. Draycott,
Chief Officer,
Sovereign Base Areas.

Notes

- (a) Ordinance 1/05.
- (b) Law No. 106(I)/02, Republic of Cyprus.

EXPLANATORY NOTE

(This note is not part of the Order)

Introduction

1. This explanatory note relates to the Control of Water Pollution (Code of Good Agricultural Practice) Order 2008. 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 Order.
2. The note should be read in conjunction with the Order. It is not, and is not meant to be, a comprehensive description of the Order.

Particular points

3. The Order is made under the Control of Water Pollution Ordinance 2005. Section 7(1) of that Ordinance provides that the Chief Officer shall take such measures as may be necessary to ensure the protection of waters from any pollution caused by the discharge of animal waste or by the excessive use of fertilisers. In accordance with section 7(2)(e), this may include provision for a code of good agricultural practice.
4. The Republic of Cyprus has published its own Code of good agricultural practice for eliminating pollution caused by nitrates under its Control of Water Pollution Law 2002 (Republican public instrument 263/2007). The Order adopts this Republican Code and gives effect to it, and any Code that replaces or amends it, in the Areas. The Order also makes provision for the citation of the Republican Code of good agricultural practice before a court in the Areas.