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# THE CONTROL OF ATMOSPHERIC POLLUTION ORDINANCE 1998

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*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

<b>Legislation incorporated in this Consolidation</b>	<b>Ordinance</b>	<b>Date in Force</b>
Control of Atmospheric Pollution Ordinance 1998	6/1998	03/10/1998
Control of Atmospheric Pollution (Amendment) Ordinance 2009	5/2009	06/04/2009
Building Standards (Adoption) Ordinance 2022	11/2022	16/05/2022

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THE CONTROL OF ATMOSPHERIC POLLUTION  
ORDINANCE 1998

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An ordinance to provide for the elimination or reduction and control of pollution of the atmosphere from industrial sources, for the better protection of the health and welfare of the population of the areas and for the protection and improvement of the environment, and the fauna and flora of the areas

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

**PART 1**  
**Preliminary Provisions**

**Short Title**

1. This Ordinance may be cited as the Control of Atmospheric Pollution Ordinance 1998

**Interpretation**

2. For the purposes of this Ordinance—

"Chief Inspector" and "Inspector" mean the persons appointed as such by the Chief Officer in accordance with subsection (1) of section 21;

"existing non-registrable process" means any process already in existence on the coming into effect of any Regulations made under section 16 of this Ordinance which will not require registration;

"industrial premises" means any premises which house or will house an industrial source;

"industrial source" includes:-

- (a) any factory as defined in section 2 of the Factories Ordinance, (a) every process or plant to which the Factories Ordinance applies in accordance with sections 69, 70, 75, 76, 76A of such Ordinance and any premises which would have been deemed to be a factory if persons were occupied therein as employees;
- (b) any production of coal and any work connected with the burning of plant material, cables or tyres;
- (c) any plant for the production of bitumen mixtures, any installation for the storage of liquid or gas fuel and any petrol filling station;
- (d) any incinerator, any work connected with the burning of solid waste by or on behalf of a local authority and any work connected with the burning of solid waste in an open site by a commercial or industrial concern;
- (e) any mining or quarrying;
- (f) any mobile plant or vehicle which when stationary is used for building or civil engineering works;

"operator" means the person who has the general responsibility and authority for the operation of a process;

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(a) Cap.134 (Laws of Cyprus) and Ordinances 22/64, 12/72, 9/82, 15/89 7/90 and 7/92

"registrable process" means any industrial process prescribed in Regulations made under subsection (1) of section 7;

"Technical Committee" means the Technical Committee for Environmental Protection established under Schedule 1 of the Control of Water Pollution Ordinance (a) and the provisions of that Ordinance in relation to the composition, powers and duties of the said Committee shall apply mutatis mutandis to the provisions of this Ordinance

### **Power of Chief Officer**

3.—(1) The Chief Officer, after consultation with the Technical Committee, may set quality objectives for the atmosphere of the Areas, to the degree that such are necessary or desirable for the purposes of this Ordinance.

(2) (a) Subject to paragraph (b) of this subsection, the Chief Officer or any person authorised by him for such purposes, may enter private property within the Areas in order to place therein instruments for the purposes of measuring the quality of any part of the atmosphere therein and thereafter to take recordings of the measurements made by such instruments.

(b) The power to enter property shall not extend—

(i) to any building not used as industrial premises or in connection with industrial premises;

(ii) to the placing of an instrument which hinders or may hinder the use of the premises by the occupier;

(c) Any person who, without the authority of the Chief Officer, removes, damages or interferes with the operation of any such instrument or with any recording taken from it shall be guilty of an offence and shall be liable to a fine of one thousand pounds.

### **Exemption of pollution by ionising radiation**

4. Nothing in this Ordinance shall give power of control over pollution by ionising radiations, subject to control by any other Ordinance.

## **PART 2**

### **Pollution of the Atmosphere from industrial sources**

#### **Application of Part 2**

5. Save as in this Ordinance otherwise expressly provided, the provisions of this part of this Ordinance shall apply only to industrial sources and, unless a contrary provision is made, shall apply to all such sources.

#### **Crown exemption**

6. Having regard to military requirements or security needs, the Administrator may by Order exempt from the operation of this part of the Ordinance any premises belonging to or occupied by the Crown in any capacity or any process carried on by or on behalf of the Crown in any capacity.

#### **Registration of processes**

7.—(1) The Administrator may by Regulations prescribe those industrial processes which require to be registered for the purposes of this Ordinance. Registration under the Ordinance shall

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(a) Ordinance 7/98

be for such period as may be prescribed and may be renewed for a similar period on the expiration thereof.

(2) For every such process already in existence on the coming into force of the Ordinance, an application for registration thereof shall be submitted within three months of that date.

(3) An application for registration shall be submitted to the Chief Officer in a form to be prescribed by him and shall contain such information as he may by order determine:

Provided that, where the class, type, size or other characteristics of the process or any other relevant factors revealed by the applicant are seen by him to warrant such a course of action the Chief Officer may in addition require the provision of an environmental impact study.

The Chief Officer shall register or re-register a process if he is satisfied that the applicant has the plant or equipment necessary to comply with all the requirements of this Ordinance, any regulations made thereunder and any conditions he may impose upon the issue of the certificate of registration. Subject to the provisions of paragraph (a) of subsection (1) of section 8, the Chief Officer shall not issue a certificate unless he is so satisfied.

(4) On registration or re-registration of a process, the Chief Officer shall issue a certificate of registration and may attach to it conditions which, subject to paragraph (b) of subsection (1) of section 8, shall be complied with in the operation of the process. Such conditions may refer to:

- (a) the technical specifications of any plant or equipment used in the process;
- (b) the maximum rates of emission in the atmosphere of any specified substance or group of substances;
- (c) the equipment to be installed and used for the purpose of preventing substances from being emitted in the atmosphere or to render them harmless prior to their emission in the atmosphere;
- (d) the equipment to be installed and used for the purpose of measuring the concentration and the rate of emission or total quantity of any substance which is emitted in the atmosphere at any given time;
- (e) reasonable facilities for taking measurements and samples of any substances which are used in the process or are emitted therefrom in the atmosphere.

(5) The Chief Officer may publish standard conditions for any class of registered processes situated in any specified location in the Areas and may attach such conditions to the registration certificate of any such process within the specified location.

(6) The procedure to be observed by the Chief Officer when imposing conditions upon the issue of a certificate of registration, including any standard conditions, shall be in accordance with the First Schedule.

(7) Notwithstanding the provisions of any other Ordinance, the studies and design drawings for any plant which is a registrable process, shall be submitted to the Chief Officer for the purpose of securing a registration certificate.

(8) The issue of a registration certificate shall constitute a necessary pre-condition for the grant of a building permit, but such certificate shall not bind the appropriate Authority in the exercise of its authority.

#### **Power of Chief Officer relating to existing registrable processes**

**8.—**(1) For any existing registrable process, the Chief Officer may:

- (a) issue a certificate of registration notwithstanding the operator does not have the plant or equipment necessary to comply with subsection (3) of section 7 of this Ordinance but may specify a period within which such plant or equipment shall be installed;
- (b) specify a period of up to five years during which the operator shall be exempt from any conditions attached to the issue of his certificate of registration.

(2) During any period specified in paragraph (b) of subsection (1), the Chief Officer may, on giving one month's notice of his intention so to do, add new conditions or vary the conditions with which the operator shall comply on the expiry of such period.

#### **Duration of registration and of conditions**

**9.**—(1) Where he issues a certificate of registration, the Chief Officer shall prescribe:

- (a) the period during which, subject to section 11, there shall be no revocation of registration;
- (b) in relation to any conditions subject to which registration is made, a period during which, subject to section 11, there shall be no variation of or addition to such conditions.

(2) The periods provided for in subsection (1) of this section may exceed the period for which the process is registered.

#### **Offences in relation to registrable process**

**10.**—(1) Any person who operates, or knowingly permits the operation of a registrable process:

- (a) which is not registered by the Chief Officer,
  - (a) in a location other than that which is specified in the certificate of registration,
  - (b) in a manner which is not in accordance with any operating condition subject to which the certificate of registration is issued,

is guilty of an offence.

(2) It shall be a defence in any proceedings under paragraph (c) of subsection (1) for an accused person to prove that his breach of a condition of registration was due to the act or omission of another person or to an accident or to some other cause beyond his control and that he took all reasonable precautions and exercised all due diligence either by himself, his employee or agent, to prevent the said breach and that as soon as he was aware of his failure to do so, he took all reasonable steps to remedy the said breach without delay.

(3) A person accused of an offence under subsection (1) may only rely on the defence provided in subsection (2) of this section if -

- (a) at least seven days before the date of the hearing of the case against him, he gives to the prosecution in writing such information in his possession as will assist them in identifying and tracing that other person; or
- (b) he has the leave of the court to rely on such defence.

(4) Any person whose act or omission is proved to have led to the commission of the offence may be prosecuted for such offence whether or not proceedings are taken against any other person liable to prosecution under subsection (1) of section 10.

(5) It shall be a defence in any proceedings under paragraphs (b) and (c) of subsection (1) for the accused to prove that he was an employee acting on instructions given to him by or on behalf of his employer and that he had no reason to believe that compliance with such instructions would lead to the commission of the offence with which he is charged.

#### **Variation of operating conditions**

**11.**—(1) The Chief Officer may at any time vary any condition under which a certificate of registration is issued either by revoking the said condition or adding to it or varying it.

(2) Where an addition is made to a condition under which a certificate of registration is issued or where such a condition is varied within a period provided for in section 9 of this Ordinance, compensation shall be paid to the operator, unless such addition or variation was made by reason of a change in circumstances which could not reasonably have been foreseen at the time when the conditions were first imposed, or amended, as the case may be. Such change in circumstances

may include a change in any information available to the Chief Officer, concerning the effect or probable effect of waste emissions from the process.

(3) Where a condition is varied under the provisions of subsection (1), a further period shall be prescribed during which, subject to the provisions of this section, no further variation shall be made without the payment of compensation in accordance with subsections (2) and (5).

(4) Where a new condition is added, any period referred to in the original conditions shall be extended for such period as is reasonable to allow the operator to comply therewith.

(5) Subsection (5) of section 17 of the Control of Water Pollution Ordinance<sup>(a)</sup> shall apply to the assessment of compensation under this section.

(6) The procedure to be observed by the Chief Officer when varying conditions shall be as prescribed in the First Schedule to this Ordinance.

### **Appeal to Administrator**

**12.**—(1) Where an application for registration is refused, the applicant may, within twenty-one days appeal to the Administrator against such refusal on the ground that he has the plant and equipment necessary for registration.

(2) Where an application for registration is granted subject to specific conditions, the applicant may, within twenty-one days appeal to the Administrator against:

- (a) any of the conditions imposed on the ground that it is not reasonable, having regard to the proposed location and any other relevant circumstances;
- (b) any period prescribed in section 9 on the ground that it is unreasonably short.

(3) Where the conditions of registration are varied or added to, the applicant may, within twenty-one days, appeal to the Administrator against such variation or addition on the ground that such variation or addition is unreasonable having regard to the location, the process or any other relevant circumstances.

### **Registers**

**13.** The Chief Officer shall keep a register in which shall be recorded the following matters:

- (a) any application submitted for registration under section 7;
- (b) any registration certificate issued by him and any conditions which may be attached to such certificates and any subsequent amendments of such conditions;
- (c) the quality objectives which are set for the atmosphere of the Areas;
- (d) the results of the measurements of the quality of the atmosphere, where such exceed the prescribed quality objectives;
- (e) any steps taken for the restoration of the quality of the atmosphere;
- (f) the dates on which the quality objectives of the atmosphere were again achieved.

### **Exemption from publication**

**14.** The Chief Officer may omit from the register any information the publication of which in his opinion:

- (a) may disclose a trade secret; or
- (b) will be detrimental to the public interest.

### **Re-registration of process**

**15.**—(1) Where an operator of a registrable process proposes to

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(a) Ordinance 7/98

extend, modify or alter a process in a manner which may significantly affect the atmosphere, he shall apply to re-register the process.

(2) An operator may request the Chief Officer to confirm in writing that any proposed extension, modification or alteration in his process shall not be <sup>Non-registrable</sup> such as to necessitate a further application for registration. <sub>processes.</sub>

(3) The Chief Officer may publish guidelines indicating those factors which in his view will significantly affect the atmosphere which he may amend from time to time. Any process which cannot be operated within such guidelines shall require to be re-registered under the provisions of this Ordinance.

(4) Where an operator of any process in respect of which a certificate of registration has been issued, extends, modifies or alters such process in such a way as adversely to affect the atmosphere without complying with the provisions of subsection (1) or subsection (2) of this section, shall commit an offence against this Ordinance.

### **Non-registrable processes**

**16.**—(1) The Administrator may make Regulations in respect of any process not requiring to be registered under the provisions of this Ordinance and without prejudice to the generality of this section such regulations may include:

- (a) the technical specifications for any plant or equipment to be used for the purposes of eliminating or reducing emissions in the atmosphere;
- (b) the maximum rates of emission in the atmosphere from the process of any substance, during any prescribed period;
- (c) the limitations in the emissions from any chimney, as regards the darkness or periods during which it may be emitted;
- (d) the equipment which shall be installed for the purpose of preventing specified substances from being emitted in the atmosphere;
- (e) the equipment which shall be installed for the purpose of measuring the rate of emission and/or the density of any substance in the atmosphere and a requirement to submit at regular intervals, the results of such measurements.
- (f) a requirement that the premises or any plant or equipment shall not be installed, unless the Chief Officer approves such premises or equipment together and the manner of its installation.

(2) Such Regulations may include transitional provisions for prescribed categories of non-registrable processes, so that during the transitional period there shall be no restrictions, or there shall be such reasonable restrictions as may be specified in the Regulations.

(3) Regulations made by the Administrator may require, for any prescribed category of non-registrable processes or for any group of non-registrable processes falling within such category, that the premises or any plant or equipment of a prescribed type, shall not be installed, unless the Chief Officer approves such premises or equipment and the manner of its installation.

(4) Regulations made under subsections (1) or (2):

- (a) may specify the persons or category of persons who, in case of a contravention of a requirement of the Regulations or a prohibition imposed by or under the Regulations, shall be guilty of an offence, whether in addition to or to the exclusion of other persons or categories of persons;
- (b) may authorise any Inspector to serve on an operator a notice to improve his plant or equipment if not maintained to the required standard in relation to its emissions;
- (c) may provide for a specified defence to exist in proceedings for any offence under the Regulations, whether in general or in any particular circumstances;
- (d) may provide for maximum terms of imprisonment not exceeding one year or a fine not exceeding three thousand pounds or to both such penalties.



### **Erection of chimneys**

**17.—**(1) No person shall erect any industrial premises or extend any industrial premises part of which shall comprise a chimney or use a chimney or erect a chimney to serve any industrial premises or any plant or related equipment, unless:

- (a) he has first notified the Chief Inspector in a manner to be prescribed by the Chief Officer;
- (b) he has received notification from the Chief Inspector in relation to the minimum height of any chimney to be erected. The Chief Inspector may by such notification restrict the use of the chimney to any particular type of process or any particular type of fuel or to a combination of both.

(2) As soon as practicable thereafter, the Chief Inspector shall forward a copy of his notification to the appropriate authority for the purposes of the ~~Streets and Buildings Regulation (Consolidation) Ordinance (a)~~ *the Streets and Buildings Law of the Republic (Cap.96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022.* (b)

(3) A person is guilty of an offence if he uses a chimney which has been erected after the coming into force of this Ordinance -

- (a) if the height of such chimney is lower than the minimum height notified to him by the Chief Inspector under paragraph (b) of subsection (1), or
- (b) if he contravenes any restrictions imposed by the Chief Inspector in such notification without obtaining his prior written consent.

### **Construction, assembly or importation of equipment for industrial processes**

**18.—**(1) The Administrator may by Regulations prohibit the construction, assembly or importation for use in an industrial process in the Areas of any type of plant or equipment, unless:

- (a) such plant or equipment satisfies the technical specifications prescribed in the Regulations;
- (b) the emissions of polluting substances from such plant or equipment do not exceed the limits prescribed in the Regulations when the plant or equipment is in continuous use.

(2) The provisions of subsection (4) of section 16 shall apply to Regulations made under this section.

### **Fuels for industrial processes**

**19.—**(1) The Administrator may by Regulations prohibit, restrict or regulate the production, supply or importation of fuels for use in an industrial process in the Areas, unless:

- (a) the natural constituents or additives of such fuels do not exceed such proportions or concentrations as may be specified;
- (b) such fuels contain such additives, or have been subjected to such treatment, which has the effect of limiting pollution of the atmosphere as may be specified.

(2) The provisions of subsection (4) of section 16 shall apply to Regulations made under this section.

### **Prohibition notices**

**20.—**(1) Where an Inspector is of opinion that an industrial process is being operated or is about to be operated in such a way that by reason of fire, explosion or release of any toxic substance, there is a risk of serious injury to any person, he may serve on the operator, or if he is absent, on any person responsible for the operation of the plant, a notice hereinafter referred to as a

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(a) Ordinances 7/84, 2/87, 13/87, 18/88 and 10/96

(b) Amended by Ordinance 11 /2022 – came into force on 16 May 2022

"prohibition notice". A "prohibition notice" served in accordance with subsection (1) of this section:-

- (a) shall state that the Inspector is of such opinion;
- (b) shall state the factors which, in the opinion of the Inspector constitute or are about to constitute the aforesaid risk;
- (c) may direct those measures which shall be taken for the removal or reduction of such risk; and
- (d) shall prescribe:
  - (i) a period at the expiry of which the process shall be stopped if the factors which constitute or are about to constitute the risk are not remedied or if any measures required under paragraph (c) above are not taken; or
  - (ii) where the Inspector is of opinion that the risk is imminent, the measures which shall be taken immediately for the process to be stopped as soon as practicable and not be restarted until the reasons which constitute or are about to constitute the foregoing risk are remedied and any measures required under paragraph (1) are taken.

(2) It shall be an offence for a person to fail to comply within the time specified in the notice, with any requirement contained therein.

(3) The Sovereign Base Areas Administration shall not be liable for any loss or damage caused to any person forced to comply with any notice served in good faith under the provisions of this Ordinance.

## PART 3

### Miscellaneous provisions

#### **Appointment of Inspectors**

**21.**—(1) The Chief Officer may appoint a Chief Inspector and Inspectors and any other officers he may deem fit for the purpose of applying the provisions of this Ordinance.

(2) The Chief Officer may authorise qualified persons to perform the duties and exercise such powers of an Inspector as are prescribed in the authorisation. Any person so authorised shall be under the supervision of, and shall be subject to the directions of the Chief Inspector and shall receive such remuneration as may be prescribed by the Chief Officer.

(3) Officers appointed or authorised under this section shall be provided with an appropriate means of identification.

#### **Powers of Inspectors**

**22.**—(1) For the purposes of executing his duties, an Inspector may:

- (a) enter any premises in which he has reasonable cause to believe that any activity or process is being or will be carried on, which is likely to lead to a breach of any provision which he has a duty to enforce;
- (b) enter any premises for the purpose of exercising, on behalf of the Chief Officer, the power granted by subsection (2) of section 3;
- (c) be accompanied by a police officer if he has reasonable cause to believe he may be obstructed in the course of his duty.
- (d) be accompanied by a qualified person authorised under subsection (1) of section 21 to exercise the powers prescribed in the authorisation, and to take with him any equipment or materials required for the exercise of the powers of the Inspector or the qualified person;

- (e) take with him any other persons who will assist him in the exercise of his powers or of the powers of the qualified person;
- (f) carry out such tests and measurements which are deemed necessary for the proper exercise of his powers or arrange for such tests and measurements to be carried out by a qualified person;
- (g) inspect, examine and check the operation of any plant or equipment in the premises and take such measurements and photographs as he deems <sup>Offences relating</sup> necessary for <sub>to Inspectors.</sub> the proper exercise of his powers;
- (h) direct that the premises or any part thereof or any plant, equipment or substance therein, remain undisturbed for such period as it is reasonably deemed necessary for the purposes of testing, measuring, examining and checking its performance as referred to in paragraph (f) or (g), provided that compliance with such directions shall not entail the stopping or the interruption of any essential part of the industrial process;
- (i) require the production for inspection of any books or documents which he has a reasonable cause to believe contain information relating to his investigation;
- (j) require:
  - (i) the person in charge of the activity or process,
  - (ii) any person on the premises, and
  - (iii) any person he has reasonable cause to believe has been employed in the premises or in connection with the activity or process at any time during the preceding three months,
 to supply him with any information he may have or have access to and which is relevant to his investigation;
- (k) seize and remove any article, or sample of any substance which may be required for the purposes of further investigation or evidence in criminal proceedings under this Ordinance;
- (l) require the operator, the occupier of the premises or any of his agents or employees:
  - (i) to provide him with safe access to any part of the premises,
  - (ii) to put at his disposal any means reasonably available for carrying out any tests, inspections or examinations or for taking measurements which are deemed necessary for the purposes of the investigation.

(2) The Chief Inspector may require the provision of such access as may be necessary to enable the taking of samples or the carrying out of any tests, measurements, inspections or examinations.

### **Offences relating to Inspectors**

**23.—**(1) A person commits an offence if he:

- (a) obstructs an Inspector in the performance of his duties or the exercise of his powers;
- (b) obstructs any police officer or qualified or other person who entered the premises with the Inspector under paragraphs (b), (c) or (d) of subsection (1) of section 22 in order to assist the Inspector;
- (c) fails to comply with a direction under paragraph (h) of subsection (1) of section 22;
- (d) fails to produce within a reasonable time any book or document which he is required to produce under paragraph (i) of subsection (1) of section 22, provided that it shall be a defence for an accused person to prove that -
  - (i) he did not know that the production of such book or document was required by the Inspector;
  - (ii) he has no access to such book or document;
  - (iii) he has no authority so to do;

- (e) fails within a reasonable time to supply information required under subsection (1) of section 22 or supplies incorrect, false or incomplete information.
- (f) fails when required under paragraph (1) of subsection (1) of section 22 -
  - (i) to provide to the Inspector or to any qualified or other person who had entered the premises with him, safe access to any part of the premises;
  - (ii) to put at the disposal of an Inspector or any qualified person who entered the premises with him, any means necessary for the carrying out of tests, measurements or examinations:

Provided that in each case he has the authority so to do and that the means referred to in sub-paragraph (ii) are reasonably available.

(2) Any person who—

- (a) forges any certificate required under or for the purposes of this Ordinance or any Order, Regulation or Rule made thereunder, or
- (b) produces or signs such a certificate knowing it to be untrue in any material fact, or
- (c) knowingly produces or uses a certificate which has been forged, or
- (d) produces or uses any such certificate purporting to relate to another person knowing it does not relate to such person, or
- (e) impersonates a person named in such certificate, or
- (f) impersonates an Inspector, or
- (g) consents to any such forgery, signature, use, or impersonation, or
- (h) knowingly makes a false entry in a register, book, notice, certificate or document which is required for the purposes of this Ordinance or any Order, Regulation or Rule made thereunder, or
- (i) knowingly makes a false declaration or signs a declaration which is required for the purposes of this Ordinance or any Order, Regulation or Rule made thereunder which is false, or
- (j) knowingly makes use of any such false entry or declaration,

shall be guilty of an offence and shall be liable to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding two years or to both such penalties.

(3) Any person who commits an offence under this Ordinance or Regulations made thereunder for which no specific penalty is provided, shall be liable to imprisonment for a term of one year or to a fine of twenty thousand pounds.

**Interim Order**

**24.—**(1) The Judge's Court before which a charge has been brought against any person for an offence under sections 10, 15, 17 and 20 of this ordinance, may on ex parte application, order that any further operation of the process constituting the unlawful act for which the prosecution has been brought, should be stayed until the final determination of the case:

Provided that the issue of such order shall be subject to the provisions of the Civil Procedure Ordinance, the Courts Ordinance and the Civil Procedure Rules.**(a)**

(2) Any prosecution under this Ordinance may be brought by the Area Officer, subject to the direction of the Attorney General and Legal Adviser.

(3) Any person against whom an order is made under subsection (1) of this section who fails to comply with such order, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand pounds or to both such penalties.

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(a) Ordinance 3/60, 7/61, 19/62, 5/63, 3/65, 9/77, 12/84 and 6/88. S.L. Vol. II (Cyprus)

### **Additional penalty**

25.—(1) Where any person is convicted for an offence committed under sections 10, 15, 17 and 20 of the Ordinance, the Judge's Court may, in addition to any other penalty prescribed by this Ordinance, order that the process in respect of which the offence has been committed shall cease forthwith for such period and under such terms and conditions as the Court may determine in the order.

(2) Any person against whom an order has been made under subsection (1) who fails, neglects or refuses to comply with such order shall be guilty of an offence and shall be liable to a term of imprisonment not exceeding two years or to a fine not exceeding twenty thousand pounds or to both such penalties.

### **Restrictions on disclosure of information**

26. Any person who discloses any information concerning a trade secret acquired in the course of his exercise of his powers under this Ordinance, shall be guilty of an offence except where such disclosure is made:-

- (a) with the consent of the operator of the process or the person entitled to use or keep such trade secret, or
- (b) for the purposes of application of any provisions which by law he has a duty to apply, or
- (c) for the purposes of criminal proceedings, or
- (d) for the purposes of any enquiry carried out by or on behalf of the Administrator or the Chief Officer in connection with the application of any provisions he has a duty to apply.

### **Offences committed by corporate bodies**

27. Where an offence under this Ordinance is committed by a company, co-operative society or other body of persons is committed with the consent or connivance of or facilitated by any neglect of any managing consultant, chairman, director, manager, secretary or other officer of such company, co-operative society or body of persons, that officer also shall be guilty of an offence and shall be liable to prosecution and punishment in accordance with the relevant provisions of this Ordinance.

### **Commencement**

28. This Ordinance shall come into force on such date as the Administrator by notification published in the Gazette may appoint, and different dates may be appointed for different provisions.

## SCHEDULE 1

(Sections 7 and 11)

### PART 1

#### Procedure for convening a meeting of the Technical Committee for the purposes of Control of Atmospheric Pollution

1. All meetings of the Technical Committee shall be convened by the president who shall, if so requested, convene an extraordinary meeting within fourteen days of any written request by any other member on the provision by that member of specific reasons therefor.

Notification of such meetings shall be sent so that they are received by members of the Committee at least seven days before the date of the meeting and shall contain details of any of the following which require to be discussed thereat:

- (a) quality objectives;
- (b) standard conditions;
- (c) conditions for the operation of any registered process, other than standard conditions;
- (d) any revocation or variation of conditions attaching to the operation of any process and any other matters requiring to be discussed.

2. Notices of such meetings, together with the matters to be discussed, shall be sent to any District Administration, Improvement Board or Municipality which may be affected thereby.

### PART 2

#### Procedures concerning quality objectives and operating conditions

3. All applications for registration of processes under section 7 shall be sent to the Chief Officer.

4.—(1) Subject to the provisions of sub-paragraph (2), the Chief Officer shall have power:

- (a) to set the quality objectives for the atmosphere of the Areas;
- (b) to issue standard conditions and to vary them depending on the circumstances;
- (c) to attach to certificates of registration issued under section 7, any conditions he considers appropriate and to make those decisions necessary to revoke any certificate of registration or to vary any conditions attaching thereto.

(2) Before exercising any of the foregoing powers other than the imposition of standard conditions already approved by the Technical Committee, the Chief Officer shall consult the said Committee.

5.—(1) The deliberations concerning the matters referred to in sub-paragraph (1) above, shall take place during a meeting of the Technical Committee. During the meeting, any member may request the president to refer the matter to the Administrator.

(2) The Administrator shall thereupon investigate the matter and make a final decision.

6. All decisions which concern the registration of a process or the imposition of operating conditions shall be sent to the applicant by the Chief Officer.

7. Where the Chief Officer decides to approve registration for a process in respect of which he intends only to impose such standard conditions as have already been approved by the Technical Committee, he may do so without further consultation with the said Committee.