



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 422 of 25th November, 1975.
LEGISLATION

ORDINANCE 9 OF 1975.

AN ORDINANCE

TO AMEND AND CONSOLIDATE THE LAW RELATING
TO THE BETTER PROTECTION OF THE FORESHORE.

JOHN AIKEN

19th November, 1975.

ADMINISTRATOR

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

Short title.

1. This Ordinance may be cited as the Foreshore Protection Ordinance, 1975.

2. In this Ordinance—

Interpretation.

“Area Officer” means the Area Officer in whose Area the foreshore to which a notice under section 3 relates is situate ;

“foreshore” includes any land within a distance from high water mark not exceeding one hundred yards as the Chief Officer may, by a notice to be published in the Gazette, prescribe.

3.—(1) The Area Officer may, from time to time, by notice to be published in the Gazette, prohibit absolutely or impose restrictions or conditions upon—

Power to Area Officer to prohibit interference with foreshore, etc.

- (a) the digging, extracting, loading or heaping of stones, shingle, gravel, sand or other substance within the part of the foreshore specified in such notice or removing of the same therefrom or the attempting of doing any of the aforesaid acts ;
- (b) the dumping of any rubble, rubbish, sweepings, litter, nightsoil, or other refuse or any oil, engine oil, lubrication oil, or solid or liquid sludge oil—

- (i) on the part of the foreshore specified in such notice ;
 - (ii) into the sea within such distance from low watermark as may be specified in such notice ;
 - (iii) from any pier, wharf, quay or jetty ;
 - (iv) from any tanker, ship or vessel whatsoever, which may be in or passing through the territorial waters of the Areas ;
- (c) the parking, placing, leaving or erecting within the foreshore specified in such notice of any motor vehicle, vessel, caravan, cart, wheel-barrow, receptacle, commercial goods, commercial materials or equipment, kiosk, tent or anything similar to the aforesaid motor vehicles, vessels, goods, articles, materials, equipment or construction :

Provided that in the event of any breach of the provisions of this paragraph and notwithstanding any other measures which might be taken against the offender, the Area Officer may carry out or order the carrying out of—

- (i) the removal from the said area of any motor vehicle, vessel, article, materials or equipment, parked, placed, or abandoned in contravention of this paragraph ;
- (ii) the removal, demolition, or dismantling of any construction from the said area including the materials and equipment thereof erected or placed in contravention of this paragraph.

(2) The provisions of this section shall apply notwithstanding that the part of the foreshore specified in the notice is privately owned.

(3) Any person who after the publication of a notice under subsection (1) of this section contravenes the terms thereof shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine and the Judge's Court may, in addition to such penalty, order such person—

- (a) to pay to public revenue the value of any stones, shingle, gravel, sand or other substance in respect of which the offence has been committed ;
- (b) to remove at his expense any rubble, rubbish, sweepings, litter, night soil or other refuse, or any oil, engine oil, lubrication oil, or any solid or liquid sludge oil dumped in contravention of the notice or to pay to the Area Officer all expenses incurred in connection with such removal.

(4) Upon a second conviction of any person for an offence against this Ordinance involving the removal of any stones, shingle, gravel, sand or other substance from the foreshore, any vehicle, vessel or other receptacle used in or for such removal may be forfeited to the Crown.

(5) The Area Officer may appoint watchmen for the protection of the foreshore.

(6) In this section—

“vessel” includes a ship, yacht, boat, raft, lighter or floating rig and includes any marine craft irrespective of the propulsion power used.

Protection,
custody,
disposal, etc.,
of vehicle,
goods, etc.,
removed and
liability for
expenses.

4.—(1) In every case of removal by the Area Officer of any vehicle, vessel, goods, article, equipment, construction or materials under the proviso to paragraph (c) of subsection (1) of Section 3 of this Ordinance, from the area specified in the notice, the Area Officer shall take every reasonable measure to ensure the safe custody of such vehicle, vessel, goods, article, equipment, construction or materials and the Administration shall be liable for any damage, other than normal wear and tear, which might be caused through negligence to such vehicle, vessel, goods, article, equipment, construction or materials.

(2) All expenses incurred by the Area Officer for the removal and safe custody of any vehicle, vessel, goods, article, materials or equipment or for the removal, demolition, or dismantling of any construction and the removal and safe custody of any materials and goods thereof under paragraph (c) of subsection (1) of section 3 of this Ordinance and under subsection (1) of this section, shall be payable to the Area Officer by the offender, owner or any other person who is responsible for or has control of such vehicle, vessel, goods, article, materials or equipment or construction in respect of which the offence has taken place.

(3) Upon the request of any police officer, the Area Officer shall deliver to him any vehicle, vessel, goods, article, equipment, construction or materials kept under his custody under subsection (1) of this section, for the purpose of their being used as exhibits in respect of any proceedings against the offender.

(4) Where the owner or any other person who is responsible for or has control of any vehicle, vessel, goods, article, equipment, construction or materials taken in custody by the Area Officer under any provision of this Ordinance cannot be ascertained, the Area Officer shall publish in the Gazette a notice describing the vehicle, vessel, goods, article, equipment, construction or materials and calling on any person claiming any right therein to submit his claim to the Area Officer within a month from the publication of such a notice.

(5) Any vehicle, vessel, goods, article, equipment, construction or materials kept under the custody of the Area Officer under subsection (1) of this section which have not been claimed within a period of one month of the publication of the notice referred to in subsection (4) of this section, may be sold or disposed of or destroyed in such manner as the Area Officer may deem fit :

Provided that where the Area Officer is of the opinion that the immediate sale or other disposal of such vehicle, vessel, goods, article, equipment, construction or materials is in the interests of the owner or of any other person who is responsible for or has control thereof, may proceed immediately with the sale or disposal thereof, in which case the notice referred to in subsection (4) of this section shall state the proceeds from such sale or other disposal.

(6) Where any person claims within a period of one month from the time of the publication of the notice referred to in subsection (4) of this section ownership, responsibility or control of any vehicle, vessel, goods, article, equipment, construction or materials kept under the custody of the Area Officer, but does not satisfy the Area Officer with regard to such ownership, responsibility or control, the Area Officer may proceed as provided in subsection (5) of this section, unless he has already dealt with the sale or disposal of the vehicle, vessel, goods, article,

equipment, construction or materials in accordance with the proviso to the said subsection (5) of this section :

Provided that the claimant may appeal to the Chief Officer against the decision of the Area Officer within a period of seven days and in such case the Area Officer shall not proceed with any action under subsection (5) of this section until a decision on the appeal is made by the Chief Officer.

(7) The proceeds from the sale or other disposal of any vehicle, vessel, article, goods, equipment, construction or materials under subsection (5) or subsection (6) of this section, after deducting all expenses incurred in connection with the removal, custody, sale or disposal, shall be disposed of in such manner as the Chief Officer may decide.

5.—(1) Any police officer or any watchman appointed by the Area Officer under section 3 of this Ordinance may upon reasonable suspicion stop and search any means of conveyance for the purposes of ascertaining whether an offence under subsection (3) of Section 3 of this Ordinance has been committed and may seize any such means of conveyance with any materials found therein.

(2) Any such means of conveyance and materials seized under subsection (1) of this section shall be detained at the nearest police station for a period not exceeding forty-eight hours unless in the meantime the Area Officer or, where criminal proceedings are taken, the Judge's Court, before which such proceedings are instituted, otherwise directs.

(3) Any person in charge of any means of conveyance who refuses to stop or allow a search or seizure when required by a police officer or watchman under subsection (1) of this section, shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

6.—(1) No person—

- (a) shall erect, or suffer or allow to be erected on the foreshore any hut, booth or any other structure without a permit from the Chief Officer and subject to such conditions as may be laid down in such permit ;
- (b) shall place on the foreshore or allow thereon any boat without a permit from the Area Officer and subject to such conditions as may be laid down in such permit ;
- (c) being the owner or keeper or acting for such owner or keeper of any coffee house or restaurant shall place or allow on the foreshore any tables, chairs or other objects without a permit from the Area Officer and subject to such conditions as may be laid down in such permit ;
- (d) shall organise any sporting event or participate in such sporting event on the foreshore without the permission of the Area Officer and at such place of the foreshore and under such terms and conditions as may be prescribed in the permit ;
- (e) shall drive or pass in a motor vehicle or in any other wheeled vehicle, or allow or drive any sheep, goats, dogs, horses or any kind of animals over or across the foreshore or kindle any fire thereon.

Power to
police officers
to stop, search,
seize and
detain any
conveyance.

Restriction upon
structures, etc.,
on foreshore.

(2) Any person who acts in contravention of any of the provisions of subsection (1) of this section or who acts in contravention or fails to comply with any conditions laid down in a permit granted under subsection (1) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine and the Judge's Court before which such person is convicted may in addition to any such penalty order the removal at the expense of such person of any hut, booth or other structure erected or any boat or any tables, chairs or other objects placed or allowed on any part of the foreshore in contravention of the said subsection.

7.—(1) The Area Officer may by notice under his hand require any person to cover, within such time as may be specified in the notice, any drain which crosses the foreshore, and to extend such drain into the sea by means of pipes to such distance as the Area Officer may direct.

Drains to be covered and extended to sea.

(2) Upon the receipt of such notice as in subsection (1) hereof provided, such person shall take all necessary steps to comply with the requirements of the Area Officer and if such person shall fail or neglect to comply with such requirements the Area Officer may proceed to execute the necessary works and the cost of so doing shall be payable by such person.

8. Notwithstanding the provisions of section 3 of this Ordinance the Area Officer may, in his discretion, grant to any person a permit to remove stones, shingle, sand, gravel or other substance from any part of the foreshore which has been made the subject of a notice under paragraph (a) of subsection (1) of the said section 3, or any portion thereof, whether public or privately owned, but subject to the consent of the owner in the case of any part of the foreshore which is privately owned, and may levy such fees or charges payable to public revenue as may be prescribed in respect of any permit or the rights thereby conferred.

Grant of permits to remove materials from the foreshore.

9. The Administrator may, by Order to be published in the Gazette, prescribe the form of any permit to be issued under this Ordinance or the restrictions or terms and conditions applicable thereto, the fees to be levied and the manner of assessment thereof, either in respect of the Areas as a whole or such area thereof as may be determined.

Power to the Administrator to prescribe form of, terms and conditions, fees etc., permits.

10. Nothing in this Ordinance contained shall be deemed to prejudice any right, interest or prerogative in the foreshore otherwise vested in the Crown in right of its administration of the Areas.

Prerogative of the Crown preserved.

11. The Foreshore Protection Ordinance is hereby repealed.

Repeal. Cap. 59 (Laws of Cyprus), Ordinances 11/61, 12/64.

A.W. STEPHENS

Chief Officer.

19th November, 1975.

(157/4)

