



SUPPLEMENT No. 2
T O
THE SOVEREIGN BASE AREAS GAZETTE
No. 617 of 3rd May, 1982.
L E G I S L A T I O N

ORDINANCE 3 OF 1982.

AN ORDINANCE

TO PREVENT THE POLLUTION OF THE TERRITORIAL WATERS
OF THE SOVEREIGN BASE AREAS BY OIL AND TO PROVIDE
FOR MATTERS CONNECTED THEREWITH.

R. L. DAVIS,
ADMINISTRATOR

28th April, 1982.

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

1. This Ordinance may be cited as the Prevention of Oil Pollution (Territorial Waters) Ordinance, 1982. Short title.

2. In this Ordinance unless the context otherwise requires— Interpretation.

“appropriate authority” means the Fiscal Officer and includes any person authorised by him for the purposes of this Ordinance and any Regulations made thereunder ;

“oil” means crude oil, fuel oil, heavy diesel oil and lubricating oil, and “oily” shall be construed accordingly ;

“oily mixture” means a mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture ;

“ship” means any description of vessel used in navigation however propelled and whether self-propelled or not.

Discharge of
oil prohibited.

3. The discharge of oil or oily mixtures into the ports, coast and territorial waters of the Areas is prohibited.

Use of
chemical means
prohibited.

4. No person may use anti-pollution chemical dispersants without the previous approval of the appropriate authority.

Duties of
masters and
aircraft
operators.

5. Every master of a ship within the territorial waters of the Areas and every operator of an aircraft within the Areas or flying over the air space of the Areas shall immediately report to the appropriate authority any case of pollution noticed by him, within the Areas, unless he has already reported such pollution to the appropriate Authorities of the Republic.

Duties of master
of tankers.

6.—(1) The master of a tanker having as destination a port of the Areas or roadstead shall report to the nearest appropriate authority every damage, injury or accident which may cause pollution.

(2) The master of a tanker approaching a port of the Areas or roadstead by reason of *force majeure* must—

- (a) notify the nearest appropriate authority about the impending arrival, the quantity and type of the cargo carried, the oil products, the residues and dirty ballast, if any, the last port of call and the reasons which render the approach imperative ;
- (b) remain in the place indicated by the appropriate authority until the reasons which rendered the approach imperative are eliminated ; and
- (c) notify the appropriate authority about the impending departure, provided that the reasons which rendered the approach imperative have ceased to exist.

(3) The appropriate authority may prohibit the sailing into the territorial waters of the Areas of any tanker which has sustained damage, injury or accident unless the master has already complied with the measures indicated by the authority.

(4) The appropriate authority may proceed to measure the tanks of tankers which are in a port or roadstead of the Areas, to take samples and, in general, to the application of any accepted method for the purpose of finding the tanker which caused the pollution and for this, it may detain such tanker for such period as may be required for such measuring or taking of samples or application of an accepted method.

Duties of person
responsible
for pollution.

7.—(1) In case of pollution, suspected pollution or imminent danger of pollution, the master of the ship, or any other person in charge of the ship, must take all appropriate measures, for avoiding, restricting and eliminating the pollution by immediately reporting the fact to the appropriate authority.

(2) As soon as the appropriate authority is informed about a case of pollution, suspected pollution or imminent danger of pollution, it shall take all appropriate measures for avoiding, restricting and eliminating the consequences thereof and it shall inform the master or owner or agent of the ship concerned and, in their absence, the consul of the country under whose flag the ship is sailing.

(3) The appropriate authority may use and co-ordinate private means and may ask for the assistance of related organisations or private business which have the necessary means and experience.

(4) The use of means belonging to organisations or individuals shall always be under the control of the appropriate authority and the expenses shall be borne by the ship or any person who caused the pollution.

8. The Administrator may make Regulations to be published in the Gazette for the better carrying out of the provisions of this Ordinance.

Regulations.

9.—(1) Any person who contravenes or suffers any person under his authority to contravene the provisions of this Ordinance or any Regulations made thereunder or any person who omits to do an act or suffers any person under his authority to omit to do an act the commission whereof is imposed by this Ordinance and any Regulations made thereunder, shall be guilty of an offence and shall be liable for every such offence to imprisonment not exceeding two years or to a fine not exceeding five hundred thousand pounds or to both such fine and imprisonment.

Offences.

(2) Notwithstanding the provisions of any other Ordinance, the Judge's Court shall have jurisdiction to try summarily any offence committed in contravention of the provisions of subsection (1) of this Section and to impose on conviction any punishment provided in the said subsection.

(3) Notwithstanding the provisions of any other Ordinance, the appropriate authority may prohibit the departure of a ship in respect of which there is reasonable suspicion of the commission of an offence under subsection (1) of this Section, until the issue of an order as provided by subsection (4) of this Section.

(4) Notwithstanding the provisions of any other Ordinance, the Judge's Court shall have jurisdiction, during the police investigation and until the trial and issue of a final judgment in respect of an offence under subsection (1) of this Section and until the payment of a fine imposed, if any, or the deposit of a relevant bank guarantee for that amount, to issue an order

prohibiting the departure of a ship in relation to which there is reasonable suspicion of the commission of an offence provided under the said subsection.

(5) Notwithstanding the provisions of any other Ordinance, the payment of any fine imposed under this Ordinance shall be a charge on the ship in relation to which the offence has been committed.

Compounding
of offences.

10.—(1) Where the Fiscal Officer has reason to believe that a person has committed an offence under subsection (1) of Section 9 of this Ordinance he shall, with the consent of the Chief Officer, have power to compound such offence by accepting the payment of such amount, not exceeding the amount of the fine provided for that offence, as he may specify.

(2) The amount so paid under subsection (1) of this Section shall be deemed to be a fine imposed upon conviction for the relative offence :

Provided that upon the compounding of the offence, the payment of the amount provided under subsection (1) of this Section no further proceeding for that offence shall lie.

28th April, 1982.

(157/4C)

M. D. TIDY,
Chief Officer.
