



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
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**LEGISLATION**

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**CONTENTS:**

*The following LEGISLATION is published in this Supplement which forms part of this Gazette : –*

	<b>Ordinance No.</b>
Sewerage Ordinance 2008 .....	20

# **SEWERAGE ORDINANCE 2008**

## **ARRANGEMENT OF SECTIONS**

### **Section**

#### **Part 1**

##### **Preliminary**

1. Short Title
2. Interpretation

#### **Part 2**

##### **Boards**

3. Exercise of functions in the Areas by a recognised Board
4. Powers and duties of recognised Boards
5. Prohibition of establishment, maintenance and operation of sewerage or drainage works other than by a recognised Board

#### **Part 3**

##### **Obligations of owners and occupiers**

6. Obligation of owners to connect with sewerage and drainage works
7. Prohibition of discharging certain matter into a public building sewer or a public sewer
8. Obligation of owner to maintain private building sewer
9. Obligation of owner etc. to leave free space for repairing etc. a private building sewer
10. Fees and charges

#### **Part 4**

##### **Miscellaneous and Final**

11. Tax exemptions
12. Power of Administrator to intervene
13. Offences
14. Obstruction of employees or workers of the Board in the discharge of their duties
15. Court decision on payment of fees and charges
16. Penalties to be paid to the recognised Board
17. Regulations
18. Compounding of offences
19. Application to the Crown
20. Commencement

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**SEWERAGE ORDINANCE 2008**

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An Ordinance to provide for the recognition of Republican Sewerage Boards and for related matters

**J. H. GORDON**  
**ADMINISTRATOR**

*18th November 2008.*

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

**Part 1**

**Preliminary**

**1. Short Title**

This Ordinance may be cited as the Sewerage Ordinance 2008.

**2. Interpretation**

**(1) In this Ordinance—**

“Board” means a sewerage board established by the Republican law;

“building drain” means that part of the lowest horizontal piping of a drainage system in and adjacent to a building which receives the discharge from a drainage pipe and conveys it to the building sewer;

“building sewer” means that part of a drainage system outside a building commencing at a point 1 metre from the outer face of the wall of the building and connecting to the public sewer;

“combined sewer” means a sewer receiving both surface water and sewage;

“drain” means a channel or pipe carrying off water, sewage and the like;

“drainage works” means all facilities for collecting, conveying and discharging storm water, surface and other water, not being sewage or polluted industrial waste;

“garbage” means solid waste from the preparation, treatment and disposal of foodstuffs and from the handling, storage and sale of produce;

“immovable property” has the meaning given to this term in section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance**(a)**;

“industrial waste” means the liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary sewage;

“natural outlet” means any outlet into a watercourse, pond, ditch, lake or other place of surface water or groundwater;

“owner” means-

- (a) a lessee or sub-lessee of immovable property whose lease or sub-lease is registered in accordance with Part 3A of the Immovable Property (Tenure, Registration and Valuation) Ordinance; or,
- (b) if there is no such person in relation to an immovable property, any person entitled to be registered as owner of that immovable property whether or not that person is registered as the owner unless the immovable property is inaccessible to that person by reason of the conditions prevailing in the Island of Cyprus since 20 July 1974; or,
- (c) if the immovable property is inaccessible by reason of the conditions prevailing in the Island of Cyprus since 20 July 1974, the occupier;

“occupier” means any person who occupies immovable property regardless of the legal basis on which that person does so;

“private building sewer” means that part of the building sewer which reaches up to the boundary line of the building plot;

“private sewer” means a sewer which is not a public sewer;

“properly shredded garbage” means waste from the preparation and cooking of food that has been shredded so that all particles may be carried freely under the flow conditions normally prevailing in public sewers with no particles greater than half an inch in any dimension;

“public building sewer” means that part of the building sewer which connects the private building sewer with the public sewer or place of disposal of sewage;

“public sewer” means a sewer constructed by the recognised Board or devolved to it;

“recognised Board” means the Board exercising functions in a specified part of the Areas in accordance with section 3;

“Republican law” means the Sewerage Systems Law 1971**(b)**;

“sanitary fittings” include baths, toilets, urinals, bidets, showers and sinks;

“sanitary sewer” means a sewer which carries sewage and to which storm, surface water and groundwater are not intentionally admitted;

“sewage” includes any liquid-borne waste containing animal, vegetable or mineral matter in suspension or solution with such ground, surface or storm water and other matter as may be present;

“sewage treatment plant” means any arrangement of devices and structures used for treating sewage;

“sewerage works” means all facilities for collecting, pumping, conveying, treating or disposing of sewage;

“sewer” means a pipe or conduit for carrying sewage;

“storm sewer” means a sewer which carries storm and surface water and drainage but excludes sewage and polluted industrial wastes;

“storm water” includes rain water;

“surface water” includes water from roofs.

(2) Any reference to the Republican law includes-

- (a) any amendment made to the law (whether enacted before or after this Ordinance);
- (b) any public instrument made under the law (whether made before or after this Ordinance);

- (c) any public instrument made under a public instrument described in paragraph (b) (whether made before or after this Ordinance).

## **Part 2**

### **Boards**

#### **3. Exercise of functions in the Areas by a recognised Board**

The Chief Officer may by Order published in the Gazette declare that a Board may exercise powers and perform duties in a specified part of the Areas in accordance with section 4.

#### **4. Powers and duties of recognised Boards**

- (1) Recognised Boards and those persons and bodies authorised to act on their behalf have, subject to subsections (3), (4), (5) and (6), the same powers and duties in the Areas as those conferred or imposed in the Republic on Boards and those persons and bodies authorised to act on their behalf under Republican Law.
- (2) Republican law applies and has effect in the Areas subject to necessary adaptation and so far as necessary to give effect to the powers conferred and duties imposed by subsection (1).
- (3) The powers conferred or duties imposed by subsection (1) are deemed to be conferred or, as the case may be, imposed on the Chief Officer.
- (4) Any power conferred or duty imposed on the Chief Officer by virtue of subsection (3), other than the power referred to in subsection (6), is a modified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(c) and the modification is that section 20 (Establishment of bodies) of the Delegation of Functions to the Republic Ordinance 2007 does not apply.
- (5) The functions delegated in accordance with subsection (4) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007 except for any power to dig up any road, pavement or other land which is a qualified delegated function.
- (6) Subsection (4) does not apply to any power to acquire compulsorily immovable property or dispose of such property.
- (7) The application of the Republican law in the Areas is, unless the context otherwise requires, subject to the following interpretations notwithstanding anything to the contrary contained in the Republican law-
  - (a) a reference to a Court is to be construed as the Resident Judge's Court, the Senior Judges' Court or the Compensation Assessment Tribunal as appropriate;
  - (b) a reference to the Republic is to be construed as a reference to the Areas;
  - (c) a reference to the Council of Ministers or the Minister is to be construed as the Administrator and the Administrator has the same powers and duties as the Council of Ministers and the Minister under the Republican law;
  - (d) a reference to a District Officer is to be construed as the Area Officer for the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area as appropriate and such Area Officer has the same powers and duties as a District Officer under the Republican law;
  - (e) a reference to the Director of Inland Revenue or the Inland Revenue is to be construed as the Fiscal Officer and the Fiscal Officer has the same powers and duties as the Director of Inland Revenue or the Inland Revenue under the Republican law;
  - (f) a reference to an officer of the Republic other than those referred to in paragraphs (c), (d) and (e) is to be construed as the officer of the Areas on whom the corresponding function is placed; and
  - (g) a reference to any other Republican legislation is to be construed as a reference to the corresponding provision of the Areas if there is a provision of the Areas corresponding to the applicable provision of the other Republican legislation and, in any other case, the provision of the Republican law containing that reference does not have effect in the Areas.

## **5. Prohibition of establishment, maintenance and operation of sewerage or drainage works other than by a recognised Board**

No authority or person other than a recognised Board may establish, maintain or operate within any part of the Areas specified in accordance with section 3 any sewerage or drainage works.

### **Part 3**

#### **Obligations of owners and occupiers**

## **6. Obligation of owners to connect with sewerage and drainage works**

- (1) Owners of premises that abut on any street in which there is a public sewer, being either a sanitary sewer or a combined sewer, within 50 metres of the boundary line of the plot on which the premises stand must, within such time as prescribed by the Republican law,—
  - (a) at their own expense and in accordance with a licence issued by the recognised Board—
    - (i) install proper and sufficient sanitary fittings; and
    - (ii) construct a building drain and a private building sewer;
  - (b) pay all costs for the construction of the public building sewer and its connection between the private building sewer and the public sewer; and thereafter
  - (c) discharge all sewage, water, industrial waste or other waste of such premises into the public building sewer.
- (2) Owners of premises in relation to which a public sewer is not available in accordance with subsection (1) must at their own expense—
  - (a) install proper and sufficient sanitary fittings; and
  - (b) connect them with a private sewage disposal system constructed in accordance with a licence issued by a Board.
- (3) If a public sewer, being either a sanitary sewer or a combined sewer, is built within 50 metres of the boundary line of the plot on which the premises stand, owners of premises must within such time as prescribed by the Republican law,—
  - (a) at their own expense—
    - (i) construct a building drain and a private building sewer in accordance with a licence issued by the recognised Board; and
    - (ii) disconnect any private sewage disposal system and leave it in a satisfactory manner;
  - (b) pay all costs for the construction of the public building sewer and its connection between the private building sewer and the public sewer; and thereafter
  - (c) discharge all sewage, water, industrial waste or other waste of such premises into the public building sewer.
- (4) Owners of premises that abut on any street in which there is a storm sewer or combined sewer within 50 metres of the boundary line of the plot on which the premises stand must—
  - (a) within such time as prescribed by the Republican law, at their own expense and to the satisfaction of the recognised Board, install sufficient facilities for the discharge of storm and surface water; and
  - (b) discharge all storm and surface water of the premises into the storm sewer or combined sewer or into the gutter of the street where the storm sewer or combined sewer is situated, in accordance with the directions of the recognised Board.
- (5) Any owner who contravenes this section or conditions in a licence issued in accordance with this section is guilty of an offence and is liable to imprisonment for 6 months or to a fine of €341 (or to both).
- (6) Any loan advanced by a recognised Board to an owner in accordance with the Republican law must be repaid in such manner as the recognised Board may determine and is a charge on any immovable property and on all assets and interests in such property and may be recovered as a civil debt.

## **7. Prohibition of discharging certain matter into a public building sewer or a public sewer**

- (1) A person must not discharge or cause to be discharged into any drain or sewer connecting with a public building sewer or public sewer any matter likely to-
  - (a) damage either the sewers, sewage treatment process or equipment,
  - (b) have an adverse effect on the free flow of its contents, or
  - (c) otherwise endanger human health or public property or constitute a nuisance.
- (2) In determining whether matter falls within subsection (1), all relevant factors are to be considered including-
  - (a) the quantity of matter in relation to flows and velocities in the sewers;
  - (b) the sewers' construction materials;
  - (c) the nature of the sewage treatment process; and
  - (d) the capacity of the sewage treatment plant.
- (3) Without prejudice to subsection (1), the discharge of any of the following substances into a public building sewer or public sewer is prohibited-
  - (a) liquid or vapour having a temperature higher than 65°C;
  - (b) sewage, water or waste containing fat, wax, grease or oils, whether emulsified or not, in excess of one hundred parts per million by weight or containing substances which may solidify or become viscous at temperatures between 0°C and 65°C;
  - (c) gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  - (d) garbage other than properly shredded garbage;
  - (e) solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works;
  - (f) sewage, water or waste having a pH value lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of a Board;
  - (g) sewage, water or waste containing a toxic or poisonous liquid, solid or gas in sufficient quantity either on its own or by interaction with other waste to-
    - (i) damage or interfere with any sewage treatment process;
    - (ii) constitute a hazard to humans or animals; or
    - (iii) create a hazard in the receiving water of the sewage treatment plant;
  - (h) water or waste containing suspended solids of such character and quantity that unusual attention or expense is required for the treatment of such materials at the sewage treatment plant;
  - (i) water or waste containing strong acid, iron pickling waste, or concentrated plating solutions, whether neutralised or not;
  - (j) any water or waste containing iron, chromium, copper, zinc or similar toxic substances;
  - (k) waste requiring an excessive chlorine use so that any such material received in the composite sewage at the sewerage works exceeds the limits established by the recognised Board for such material;
  - (l) water or waste containing phenols or other substances producing taste or odour in receiving water in concentrations exceeding limits established by the recognised Board;
  - (m) radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the recognised Board;
  - (n) material which may exert or cause:
    - (i) unusual concentrations of inert suspended solids or of dissolved solids; or
    - (ii) excessive discoloration; or



- (iii) unusual biochemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewerage works;
  - (o) water or waste containing substances which cannot be treated or reduced through the sewage treatment processes employed or can be treated only to such extent that any sewage treatment plant effluent does not meet the requirements of the recognised Board in relation to discharge to the receiving water.
- (4) Any person who contravenes this section is guilty of an offence and is liable to imprisonment for 6 months or to a fine of €341 (or to both).

#### **8. Obligation of owner to maintain private building sewer**

- (1) The owner of any premises with a private building sewer within a part of the Areas specified in accordance with section 3 must properly maintain or repair the private building sewer to the satisfaction of the recognised Board.
- (2) The recognised Board may give notice that the owner of such premises must repair the private building sewer within a specified time.
- (3) If the owner fails to repair the private building sewer within the time prescribed in the notice, the recognised Board may repair it.
- (4) The owner is liable for all costs reasonably incurred by the recognised Board under this section and they may be recovered as a civil debt.

#### **9. Obligation of owner etc. to leave free space for repairing etc. a private building sewer**

- (1) The owner (and the occupier if not the same person) of any premises with a private building sewer within a part of the Areas specified in accordance with section 3 must leave space of at least 1 metre from either side of a private building sewer for the purposes of cleaning, repairing or protecting it.
- (2) The owner (and the occupier if not the same person) must not interfere with, cultivate or plant over the space referred to in subsection (1).

#### **10. Fees and charges**

- (1) Fees and charges are payable in accordance with the Republican law.
- (2) Any owner of an immovable property used exclusively for agricultural purposes and which may not be used in any other way is exempt from the obligation to pay any fee or charge.
- (3) A person who has not paid a fee or charge due within the prescribed time for payment may be charged with an additional amount equal to 20% of the amount unpaid when the prescribed time for payment has elapsed.
- (4) If an amount becomes payable in accordance with subsection (3) that is not an exact multiple of 5 cents, the amount is rounded up to the next multiple of 5 cents.
- (5) Any additional amount imposed in accordance with subsection (3) is to be paid to the recognised Board.
- (6) On an application by the recognised Board, the Administrator may, by an Order published in the Gazette, order the collection of any fees imposed in accordance with section 30(1)(b) and (d) of the Republican law by the Fiscal Officer in which case such fees-
  - (a) are to be collected as if they were taxes payable in accordance with any Ordinance in force for the time being dealing with the collection of taxes, and
  - (b) after subtraction of the collection expenses, are to be paid to the recognised Board.

### **Part 4**

#### **Miscellaneous and Final**

#### **11. Tax exemptions**

The Boards are exempt from –

- (a) the payment of stamp duty, and



- (b) the payment of any tax or fee payable in accordance with the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(d) as amended or substituted from time to time or regulations made under it for the registration or granting of a road licence to any motor vehicle which belongs to a Board.

## **12. Power of Administrator to intervene**

- (1) If it appears to the Administrator that a Board has failed to exercise the powers conferred upon it and such powers ought to have been exercised, the Administrator may either –
  - (a) direct the Board to exercise its powers in such manner and within such time as may be specified; or
  - (b) vest the exercise of such powers in others.
- (2) If the Board fails to exercise its powers in accordance with a direction under subsection (1)(a), the Administrator may then vest the exercise of such powers in others.

## **13. Offences**

- (1) A person commits an offence and is liable to imprisonment for 6 months or to a fine of €341 (or to both) if that person does any of the following-
  - (a) intentionally or recklessly interferes with a public sewer, building sewer, building drain or other apparatus belonging to a recognised Board without permission to do so from that Board;
  - (b) connects, or allows the connection of, a private sewer or other facility used for the disposal of sewage of a building with a public building sewer or a public sewer;
  - (c) discharges, or allows the discharge of, sewage, industrial waste or other polluted water without permission to do so from the recognised Board into a natural outlet or storm sewer within a part of the Areas specified in accordance with section 3;
  - (d) discharges, or allows the discharge of, storm water, groundwater, surface water, subsurface drainage, cooling water or unpolluted industrial processed water into a sanitary sewer.
- (2) Where an offence under subsection (1), committed by a body corporate, is committed with the consent or the connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, that officer as well as the body corporate commits that offence and is liable to the same penalties as provided for by subsection (1).
- (3) The Court trying an offence under this section or under section 6 may order the Defendant or Defendants to demolish or remove any works constructed in contravention of this section or of section 6 within such time as specified in the order but in no case exceeding one month from the issue of the order.
- (4) No order under subsection (3) is to be made if the recognised Board has issued a licence or permission for the works.
- (5) If a person against whom an order has been made under subsection (3) fails to comply with the order within the specified time, the recognised Board may carry out the order and the person against whom the order was made must pay any costs reasonably incurred in doing so.
- (6) Costs incurred in accordance with subsection (5) are to be treated as a penalty under the Criminal Procedure Ordinance(e) and payment of those costs may be enforced accordingly.
- (7) Any person against whom an order has been made under subsection (3) who contravenes or fails to comply with the order is, notwithstanding that the recognised Board has proceeded to carry out or has carried out such order, guilty of an offence and is liable to imprisonment for 6 months or to a fine of €341 (or to both).

## **14. Obstruction of employees or workers of the Board in the discharge of their duties**

A person who obstructs any employee or worker of a recognised Board in carrying out any of its powers and duties is guilty of an offence and is liable to imprisonment for 6 months or to a fine of €341 (or to both).

## **15. Court decision on payment of fees and charges**

- (1) The Court may order a person who commits an offence under this Ordinance, in addition to any penalty imposed, to pay all fees and charges which such person is required to pay but has failed to pay.
- (2) All fees and charges which the Court orders to be paid under subsection (1) are to be treated as a penalty under the Criminal Procedure Ordinance and payment of those fees and charges may be enforced accordingly.

## **16. Penalties to be paid to the recognised Board**

Any fines, penalties and costs recovered under this Ordinance must be paid to the recognised Board.

## **17. Regulations**

The Administrator may make regulations in order to assist recognised Boards in carrying out their functions in accordance with this Ordinance.

## **18. Compounding of offences**

The Administrator may compound an offence committed in contravention of regulations made under this Ordinance by accepting from a person who has committed or is reasonably suspected to have committed such offence a payment of an amount not exceeding the maximum fine provided for that offence and the amount so collected is to be paid to the recognised Board.

## **19. Application to the Crown**

- (1) This Ordinance does not bind the Crown or a person employed by or in the service of the Crown while in discharge of his duties except insofar as its provisions expressly impose duties or confer powers on the Administrator, the Chief Officer, the Fiscal Officer or the Area Officers.
- (2) For the purposes of this section “the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.

## **20. Commencement**

This Ordinance comes into force on the day it is published in the Gazette.

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### **Notes**

- (a) Cap. 224, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (b) Law No 1/71, Republic of Cyprus.
- (c) Ordinance 17/07.
- (d) Ordinance 5/06.
- (e) Cap. 155, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

## EXPLANATORY NOTE

**(This note does not form part of the Ordinance)**

### Introduction

1. This explanatory note relates to the Sewerage Ordinance 2008. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

### Particular points

3. The Ordinance makes provision for Republican sewerage Boards to have the same powers and duties in the Areas as they have in the Republic. Providing for this is consistent with the UK Government's commitment to invite the Republic to provide a wide range of public services for Cypriots in the Sovereign Base Areas. The Ordinance is intended broadly to replicate the effect of the Republican Sewerage systems Law 1971 (Law 1/71).

4. A Republican sewerage Board may only operate in the Areas if the Chief Officer has made an Order permitting it to do so and the Order will also specify the part of the Areas in which the particular Board can exercise powers and perform duties (section 3).

5. Section 4 provides for the deemed conferral of the powers and duties of the Boards on the Chief Officer and then the delegation to those Boards of those same powers and duties. In this way, the Delegation of Functions to the Republic Ordinance 2007 ("the 2007 Ordinance") applies to the carrying out of functions in the Areas by the Boards. The effect of the 2007 Ordinance is modified in that the prohibition on the delegation of a function that permits or requires the establishment of a body is disappplied.

6. In general, functions can be carried out under the delegation without the consent of the Chief Officer but any power to dig up roads, pavements or other land is a qualified delegation which means that consent is required before the function can be carried out (section 4(5)). Also, powers to acquire compulsorily immovable property or dispose of such property are not delegated and therefore such powers remain with the Chief Officer (section 4(6)).

7. Section 5 ensures that a sewerage Board has the exclusive right to operate a sewerage or drainage works in the part of the Areas specified in an Order made by the Chief Officer under section 3.

8. Part 3 of the Ordinance is concerned with the obligations of owners and occupiers of immovable property. "Owner" is defined in section 2 in such a way that positive obligations fall first on a lessee or sub-lessee with a registered lease, which must be for a term exceeding 15 years in order to be registered. If there is no such lease or sub-lease, a person entitled to be registered as owner has responsibility unless that person cannot get access to the land because of the situation prevailing since 1974. In those circumstances, the occupier is responsible. Section 6 sets out the circumstances in which it is necessary to connect with sewerage and drainage works and the requirements when doing so. Section 7 prohibits the discharging of certain harmful matter in a sewer. Sections 8 and 9 deal with maintenance and repair obligations in relation to sewers on the property. Section 10 adopts the fees and charges that are payable in the Republic of Cyprus.

9. Section 13 and section 14 create specific criminal offences and there are also offences of contravening sections 6 and 7. Section 13 also provides that a court may order that works constructed unlawfully are demolished or removed. Section 18 provides for compounding of offences (i.e. accepting a monetary settlement) but only in relation to offences committed under any regulations made under the Ordinance.

