



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1524 of 18th December 2008
LEGISLATION

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ENVIRONMENTAL IMPACT ASSESSMENT (AMENDMENT) ORDINANCE 2008

An Ordinance to amend the Environmental Impact Assessment Ordinance 2003

J. H. GORDON
ADMINISTRATOR

12th December 2008.

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

1. Short Title

This Ordinance may be cited as the Environmental Impact Assessment (Amendment) Ordinance 2008.

2. Section 2 of the Environmental Impact Assessment Ordinance 2003 amended

Section 2 of the Environmental Impact Assessment Ordinance 2003(a)(“the principal Ordinance”) is amended by:

- (a) repealing the definition of “the corresponding Republican Law”,
- (b) repealing the definition of “Environment Authority” and replacing it with the following definition:
““Environment Authority” means the Authority established by the Republic under the 2005 Republican Law;” and
- (c) inserting the following new definitions in the appropriate alphabetical place:
““the 2005 Republican Law” means the Environmental Impact Assessment of Certain Projects Law 2005 (140(1)/2005) and includes any Law amending or replacing that Law;” ,
““Schedule 1” means Schedule I of the 2005 Republican Law;” ,
““Schedule 2” means Schedule II of the 2005 Republican Law;” ,
““Schedule 3” means Schedule IV of the 2005 Republican Law;”and
““Schedule 4” means Schedule III of the 2005 Republican Law;”.

3. New section 18

The following new section 18 is inserted into the principal Ordinance after section 17:

“18. Legal proceedings

- “(1) A Court of the Areas may take judicial notice of a law of the Republic and of any other Republican document of any description granted or otherwise made under a law of the Republic.
- (2) For the purposes of this section, the production of a copy of any part of a Republican enactment –
- (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 that enactment.
- (3) For the purposes of this section, a version of any part of a Republican enactment 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 Republican enactment 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 that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question.
- (4) For the purposes of this section, the production of–
- (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made, or
 - (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,
- may be held by the Court to be conclusive evidence for all purposes of the contents of such document.”.

4. Schedules 1, 2, 3 and 4 repealed

Schedules 1, 2, 3 and 4 of the principal Ordinance are repealed.

5. Commencement

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

Notes

- (a) Ordinance 11/03.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This note relates to the Environmental Impact Assessment (Amendment) Ordinance 2008. The note 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.

The Ordinance

3. The Ordinance amends the Environmental Impact Assessment Ordinance 2003 by repealing Schedule 1 and providing instead that any reference to “Schedule 1” is to be taken to be a reference to Schedule I in the Environmental Impact Assessment of Certain Projects Law 2005 of the Republic, as amended from time to time (in other words, the most up to date version of the Schedule I in the 2005 Republican Law). Likewise, “Schedule 2” is to be taken as a reference to “Schedule II” of the 2005 republican Law. “Schedule 3”, however, is to be taken as a reference to Schedule IV of the 2005 Republican Law, and “Schedule 4” is to be taken as a reference to Schedule III of the 2005 Republican Law. It may be noted that, with the exception of the contents of the Schedules, the 2003 Ordinance continues to replicate in the Areas the effect of the Environmental Impact of Certain Projects Law 2001 of the Republic (57/2001). This law has been replaced in the Republic by the 2005 Republican Law.
4. Section 3 of the Ordinance makes provision to ensure that in any legal proceedings, the court can consider and rely on a translation of the 2005 Republican Law or a part of it in the same way that it considers and relies on the text of an SBA Ordinance.
5. A copy of Schedules I, II, III and IV of the 2005 Republican Law in the original Greek together with amendments, together with translations in English, may be found on the SBAA website (which at the time of enactment of this Ordinance, may be accessed at www.sba.mod.uk) and is also available for inspection at the Area Offices during normal working hours.