
FOREST (AMENDMENT) ORDINANCE 2009

An Ordinance to amend the Forest Ordinance 1980

J. H. GORDON
ADMINISTRATOR

20th July 2009.

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 Forest (Amendment) Ordinance 2009.

2. Section 22 repealed and replaced

In the Forest Ordinance 1980**(a)** (“the principal Ordinance”), section 22 (concerning control of tree felling) is repealed and replaced by the following:

“22. Control of felling of certain species

- (1) A person must not fell, uproot, convert to timber or transport a tree of the species named in the Table to this section unless:
 - (a) the Chief Officer has granted that person a licence to carry out that activity,
 - (b) the person is in possession of the licence when carrying out the activity, and
 - (c) the person has, before carrying out the activity, informed both the relevant community council and the nearest forestry station or police station.
- (2) A person who carries out an activity referred to in subsection (1) without a licence, or breaches any of the conditions of a licence granted to him, commits an offence and is liable to one year’s imprisonment or a fine of €1,708 or to both.

TABLE	
Juniper:	All <i>Juniperus</i> species
Oak:	All <i>Quercus infectoria</i> and <i>Q. ilex.</i> species
Fir:	All <i>Abies</i> species
Eucalyptus:	All <i>Eucalyptus</i> species
Oak:	All <i>Casuarina</i> species
Cedar:	All <i>Cedrus</i> species
Nettle:	<i>Celtis australis</i> and <i>C. tournefortii</i>
Cypress:	<i>Cupressus sempervirens</i> and <i>C. arizonica</i>
Poplar:	All <i>Populus</i> species
Hawthorn:	All <i>Crataegus</i> species
Pine:	All <i>Pinus</i> species
Plane:	All <i>Platanus</i> species
Alder:	<i>Alnus orientalis</i>
Mulberry:	All <i>Morus</i> species
Sycamore fig:	<i>Ficus sycomorus</i>
Terebinth:	<i>Pistacia atlantica</i>
Carob:	<i>Ceratonia siliqua</i>
Olive:	<i>Olea S.P.</i> (provided the tree in question is more than 100 years old)

”.

3. New section 32 inserted

After section 31 of the principal Ordinance, there is inserted the following new section:

“32. Delegation of Functions to the Republic

- (1) The duties imposed and powers conferred on the Chief Officer by sections 7, 10, 11(2) and 11(3), 14(2), 15, 19 and 22 are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007**(b)**.
- (2) The duties imposed and powers conferred on the Chief Officer by section 23 are qualified delegated functions under the Delegation of Functions to the Republic Ordinance 2007.”.

4. Commencement

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

Notes

- (a) Ordinance 14/80.
(b) Ordinance 17/07.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This note relates to the Forest (Amendment) Ordinance 2009 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance, and does not form part of the Ordinance.
2. The Ordinance repeals and replaces section 22 of the Forest Ordinance 1980. The old section 22 allowed the Administrator to make an order prohibiting the felling, uprooting, converting to timber or transporting of certain species of trees without a licence. No orders were in fact made under that section. The new section 22 controls the same set of activities in relation to a slightly different set of species, without the need for an order. This replicates the effects of a provision of Republican forestry law.
3. The Ordinance makes the Chief Officer’s functions under section 22 general delegated functions under the Delegation of Functions to the Republic Ordinance 2007 (Ordinance 17/07). It also makes apparent on the face of the Forest Ordinance 1980 that other functions under that Ordinance have been delegated, either as general delegated functions or qualified delegated functions, under the 2007 Ordinance. This is in accordance with modern drafting practice.

