
FOREST (AMENDMENT) ORDINANCE 2011

An Ordinance to amend the Forest Ordinance 1980

G. E. STACEY
ADMINISTRATOR

8th February 2011.

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 2011.

2. Section 22 repealed and replaced

Section 22 of the Forest Ordinance 1980(a) (“the principal Ordinance”) is repealed and replaced with—

“22. Licence to carry out certain activities

- (1) Unless the Chief Officer has granted a licence, a person must not carry out an activity specified in subsection (2) in relation to—
 - (a) any tree of a species listed in Part 1 of the Schedule that has a trunk diameter at a height of 130 centimetres from the ground of more than 15 centimetres;
 - (b) any tree of a species listed in Part 2 of the Schedule that has a trunk diameter at a height of 130 centimetres from the ground of more than 40 centimetres;
 - (c) any tree of a species listed in Part 3 of the Schedule when the activity takes place during November and December; and
 - (d) any tree belonging to the olive species (*Olea europaea*) that has a trunk diameter at a height of 130 centimetres from the ground of more than 50 centimetres.

- (2) The activities are—
 - (a) felling;
 - (b) uprooting;
 - (c) topping;
 - (d) converting to timber; and
 - (e) transporting of trees.
- (3) Unless the Chief Officer has granted a licence, a person must not remove the whole or any part of a branch of a tree to which subsection (4) applies if the branch is growing at a height of more than 2 metres from the ground and it has a base diameter of more than 25 centimetres.
- (4) This subsection applies to a tree that has a trunk diameter at a height of 130 centimetres from the ground of more than 50 centimetres which belongs to a species listed in Parts 1 and 2 of the Schedule or the olive species (*Olea europea*).
- (5) Subsection (3) does not apply to pruning a tree or removing the crown of a tree, if it is carried out to assist in the regeneration or maintenance of the tree, in relation to the following species—
 - (a) carob (*Ceratonia siliqua*);
 - (b) eucalypt (*Eucalyptus*);
 - (c) mulberry (*Morus*); and
 - (d) olive (*Olea europea*).
- (6) When carried out by the Administration or a person authorised by the Administration, subsection (3) does not apply to pruning trees which are obstructing the vision of drivers by covering traffic lights, road signs or pedestrian crossings.
- (7) Unless the Chief Officer has granted a licence, a person must not dig a ditch which is more than 30 centimetres deep, if the ditch is less than 150 centimetres from the base perimeter of the trunk of a tree to which subsection (8) applies.
- (8) This subsection applies to a tree of a species listed in Parts 1 and 2 of the Schedule that has a trunk diameter at a height of 130 centimetres from the ground of more than 50 centimetres.
- (9) Where the Chief Officer has granted a licence pursuant to subsection (1), a person—
 - (a) must be in possession of the licence when carrying out any of the activities for which the licence was granted; and
 - (b) before carrying out the activity, must inform the nearest forestry station or police station and the relevant community council.
- (10) In relation to those trees referred to in subsection (1), a person who carries out an activity referred to in subsection (2) without a licence or fails to comply with any of the conditions of the licence, commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year or a fine not exceeding €2,000 (or to both).
- (11) A person who carries out an activity referred to in subsections (3) or (7) without a licence or fails to comply with any of the conditions of the licence, commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 month or a fine not exceeding €500 (or to both).
- (12) Nothing in this section applies to trees located in State Forests (for which see section 19).
- (13) In this section—
 - (c) “tree” includes a shrub; and
 - (d) “trunk” includes the bark of a tree adjacent to the trunk.”.

3. Schedule inserted

After section 32 of the principal Ordinance, the following is inserted—

“SCHEDULE (Section 22)

PART 1

1. Black Poplar (*Populus nigra var. thevestina*)
2. Carob Tree (*Ceratonia siliqua*)
3. Cedar (*Cedrus spp. – all species*)
4. Common Myrtle (*Myrtus communis*)
5. Cypress (*Cupressus spp. – all species*)
6. Eucalypt (*Eucalyptus spp. – all species*)
7. Golden Oak (*Quercus alnifolia*)
8. Hawthorn (*Crataegus spp. – all species*)
9. Juniper (*Juniperus spp. – all species*)
10. Kermes Oak, Holly Oak (*Quercus coccifera*)
11. Laurel, Sweet Bay, Bay Tree (*Laurus nobilis*)
12. Lotus Tree, Wild Jujube, Lotus Jujube (*Zizyphus lotus*)
13. Maple (*Acer obtusifolium*)
14. Mastic Tree, Lentisk (*Pistacia lentiscus*)
15. Mediterranean Elm (*Ulmus canescens*)
16. Mulberry (*Morus spp. – all species*)
17. Nettle-Tree (*Celtis spp. – all species*)
18. Oak (*Quercus infectoria*)
19. Oriental Alder (*Alnus orientalis*)
20. Oriental Plane (*Platanus orientalis*)
21. Pine (*Pinus spp. – all species*)
22. Storax (*Styrax officinalis*)
23. Strawberry Tree (*Arbutus spp. – all species*)
24. Tamarisk (*Tamarix spp. – all species*)
25. Terebinth (*Pistacia terebinthus*)
26. Terebinth Tree (*Pistacia atlantica*)
27. White Beam (*Sorbus aria*)
28. White Willow (*Salix alba*)

PART 2

1. Bottle Tree, Kurrajong (*Brachychiton diversifolius*)
2. Bottlebrush (*Callistemon spp. – all species*)
3. Camel’s Foot (*Bauhinia spp. – all species*)
4. Coastal Redwood (*Sequoia sempervirens*)
5. Elms (*Ulmus spp. – all species, except Ulmus canescens*)
6. Fir (*Abies spp. – all species*)

7. Flame of the Forest (*Delonix regia*)
8. Japanese Pagoda Tree (*Sophora japonica*)
9. Judas Tree, Red Bud (*Cercis siliquastrum*)
10. Locust, False Acacia (*Robinia pseudoacacia*)
11. Norfolk Island Pine (*Araucaria spp. – all species*)
12. Oak (*Casuarina pp. – all species*)
13. Oak (*Quercus spp. – all species except Quercus alnifolia, Quercus coccifera*)
14. Oleaster (*Eleagnus angustifolia*)
15. Pepper Tree, Brazilian Pepper Tree, Christmas-Berry Tree (*Schinus spp. – all species*)
16. Poplar (*Populus spp. – all species except Populus nigra*)
17. Rosewood, Pride of Bolivia(*Tipuana tipu*)
18. Sharpleaf Jacaranda (*Jacaranda mimosifolia*)
19. Silk Tree, Silk Rose (*Albizia spp. – all species*)
20. Silky Oak (*Grevillea robusta*)
21. Sweet Chestnut, Spanish Chestnut (*Castanea sativa*)
22. Sweet Gum (*Liquidambar styraciflua*)
23. Sycomore Fig (*Ficus sycomorus*)
24. Wellingtonia, Giant Sequoia (*Sequoiadendron giganteum*)
25. Willow (*Salix spp. – all species except Salix alba*)

PART 3

1. Cedar (*Cedrus spp.*)
2. Cypress (*Cupressus spp.*)
3. Fir (*Abies spp.*)
4. Pine (*Pinus spp.*)
5. Sequoia (*Sequoia spp. and Sequoiadendron spp.*)”.

4. Commencement

This Ordinance comes into force on 1 April 2011.

Notes

(a) Ordinance 14/80.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This note relates to the Forest (Amendment) Ordinance 2011 (“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 mirrors the Republican Forests (Amendment) Law 2010 by repealing and replacing section 22 of the Forest Ordinance 1980 and inserting a Schedule listing species of trees. The new section 22 applies to trees and shrubs which grow outside State Forests.
3. In relation to trees of the specified dimensions, subsection (1) of the new section 22 provides that a person must obtain a licence from the Chief Officer if the individual carries out those activities referred to in subsection (2) with regard to the species listed in Parts 1 and 2 of the Schedule, the species of trees listed in Part 3 of the Schedule during November and December (frequently used as Christmas trees), or olive trees.
4. In relation to trees of the specified dimensions, a licence also is required under subsection (3) for pruning those species listed in Parts 1 or 2 of the Schedule or olive trees, but a licence is not required for the species of trees listed in subsection (5) if pruning is carried out to maintain them.
5. In accordance with subsection (6), a licence is not required for the pruning of trees listed in Parts 1 and 2 of the Schedule and olive trees if carried out by the Administration or a person on behalf of the Administration for road safety purposes.
6. A licence is required under subsection (7) if a person wishes to dig a ditch more than 30 centimetres deep near a tree of the specified dimensions of the species listed in Parts 1 or 2 of the Schedule.
7. The licence must be carried and the activity reported for those activities and types of trees referred to in subsection (9).
8. Pursuant to section 32 of the Ordinance, the Chief Officer’s functions under section 22 are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007 (Ordinance 17/07). The delegation of a function does not confer any power or duty on the relevant Republican officer where the land is occupied or used by the Crown or an authorised service organisation.

