



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1685 of 28th March 2013
LEGISLATION

CONTENTS:

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

	Ordinance No.
Seashore Protection Ordinance 2013	10
Export of Currency (Restrictive Measures) Ordinance 2013	11

SEASHORE PROTECTION ORDINANCE 2013

CONTENTS

Part 1

Preliminary

1. Short title and commencement
2. Interpretation
3. Application to the Crown

Part 2

Protection

4. Digging, removal, etc. of materials
5. Dumping of rubbish
6. Driving
7. Parking
8. Temporary or movable structures
9. Buildings
10. Events
11. Commercial water sports
12. Animals
13. Drains

PART 3

Services

14. Provision of sun beds etc.
15. Local seashore committees
16. Local seashore plans

Part 4

Enforcement

17. Appointment of watchkeepers
18. Removal
19. Demolition
20. Notification
21. Claiming ownership
22. Power of search and seizure

Part 5

Miscellaneous

23. Amendment, revocation and suspension of licences and authorisation
24. Regulations and orders
25. Criminal offences
26. Fixed penalties
27. Transitional provisions and savings
28. Repeal and revocation

SCHEDULE 1 — CO-ORDINATES FOR BOAT LANES

SCHEDULE 2 — REPEAL

SCHEDULE 3 — REVOCATION

SEASHORE PROTECTION ORDINANCE 2013

An Ordinance to protect the seashore

R. J. CRIPWELL
ADMINISTRATOR

28th March 2013.

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

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Seashore Protection Ordinance 2013.
- (2) This Ordinance comes into force on 1 April 2013.

2. Interpretation

In this Ordinance—

“the 1975 Ordinance” means the Foreshore Protection Ordinance 1975(a);

“boat lane” means an area of the seashore the co-ordinates for which are listed in Schedule 1;

“building” has the meaning given in section 2 of the Streets and Buildings Regulation (Consolidation) Ordinance 1984(b);

the “Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration of the Areas;

the “Environment Department” means the Environment Department of the Administration;

“land abutting the seashore” means, in areas of the seashore where the distance from the high water mark to the landward boundary of the seashore is less than 90 metres from the high water mark, the additional area measured from the landward boundary of the seashore to 90 metres from the high water mark;

“local authority” means a municipal council or a community council;

“seashore” means land, whether privately owned or owned by the Crown, which lies between the low water mark of the sea and a distance no greater than 90 metres from the high water mark shown on maps which are available for inspection on request at the Area Offices during usual hours of business and the map references for the Akrotiri Sovereign Base Area are W01S to W45S and for the Dhekalia Sovereign Base Area are E01S to E18S;

“small vessel” means a vessel not exceeding 7 metres in length;

“vehicle” includes a non-motorised wheeled vehicle such as a trailer;

“vessel” means a motorised or non-motorised boat or other marine craft.

3. Application to the Crown

- (1) Subject to subsection (2), except where the Ordinance provides otherwise, this Ordinance applies to the Crown.
- (2) Proceedings for a criminal offence may not be brought against—
 - (a) the Crown;
 - (b) an employee of the Crown or a police officer whilst carrying out duties on behalf of the Crown; or
 - (c) a member of Her Majesty’s Forces acting in the course of service to the Crown.

Part 2

Protection

4. Digging, removal, etc. of materials

- (1) Subject to subsection (2), a person must not dig, extract, heap, load, or remove stones, shingle, sand, gravel or any other material from the seashore.
- (2) An Area Officer may grant a licence permitting the person to dig, extract, heap, load, or remove stones, shingle, sand, gravel or any other specified material from a specified area of the seashore—
 - (a) if the owner of the land consents; and
 - (b) if the person applies in writing.
- (3) A licence granted under subsection (2) may be subject to such conditions as an Area Officer considers necessary.
- (4) A person must comply with a condition imposed under subsection (3).
- (5) A person who contravenes subsection (1) or (4) commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
- (6) In addition or instead of imposing a penalty, the Court may order 1 or more of the following—
 - (a) payment to the owner of the land the value of any material removed from the seashore;
 - (b) at the person’s expense, reinstatement of the seashore to its former state;
 - (c) payment to the Administration of all expenses incurred in connection with the reinstatement of the seashore.
- (7) The Court also may order that the material is forfeited to the Crown and disposed of in such manner as the Administrator considers appropriate.

5. Dumping of rubbish

- (1) A person must not dump rubble, refuse or oil—
 - (a) on the seashore; or
 - (b) in the sea.

- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
- (3) In addition or instead of imposing a penalty, the Court may order 1 or more of the following—
 - (a) at the person's expense, removal of any material dumped on the seashore or in the sea;
 - (b) at the person's expense, reinstatement of the seashore to its former state;
 - (c) at the person's expense, reinstatement of the sea to its former state;
 - (d) payment to the Administration of all expenses incurred in connection with the removal of material or reinstatement of the seashore or the sea.

6. Driving

- (1) Subject to subsections (2) and (5), a person must not drive a vehicle or cause a vehicle to be conveyed on the seashore.
- (2) The prohibition in subsection (1) does not apply—
 - (a) if a person is driving a vehicle in a boat lane and the vehicle's movements are for a purpose solely connected with the launching or retrieval of a small vessel from the sea; or
 - (b) in an area where, by order made as a public instrument, the Administrator has determined that the prohibition does not apply.
- (3) An order made under subsection (2)(b) may impose conditions.
- (4) A person must comply with a condition imposed under subsection (3).
- (5) The prohibition in subsection (1) does not apply in relation to a vehicle (irrespective of its size) if the person is driving it or causing it to be conveyed whilst carrying out duties on behalf of the Crown.
- (6) A person who contravenes subsection (1) or (4) commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding €854 (or to both).
- (7) In addition or instead of a penalty, the Court may order 1 or both of the following—
 - (a) at the person's expense, reinstatement of the seashore to its former state;
 - (b) payment to the Administration of all expenses incurred in connection with the reinstatement of the seashore.

7. Parking

- (1) Subject to subsections (2) and (5), a person must not park or place a vehicle or a vessel on the seashore.
- (2) The prohibition in subsection (1) does not apply in relation to a vehicle or a small vessel—
 - (a) if a person has parked or placed a vehicle or a small vessel where the sole purpose is for launching or retrieval of a small vessel from the sea by way of a boat lane; or
 - (b) in an area where, by order made as a public instrument, the Administrator has determined that the prohibition in subsection (1) does not apply.
- (3) An order made under subsection (2)(b) may impose conditions.
- (4) A person must comply with a condition imposed under subsection (3).
- (5) The prohibition in subsection (1) does not apply in relation to a vehicle or a vessel (irrespective of its size) if the person is parking or placing or has parked or placed a vehicle or a vessel whilst carrying out duties on behalf of the Crown.
- (6) A person who contravenes subsection (1) or (4) commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding €854 (or to both).

- (7) In addition or instead of a penalty, the Court may order 1 or more of the following—
 - (a) at the person's expense, removal of any vehicle or vessel from the seashore;
 - (b) at the person's expense, reinstatement of the seashore to its former state;
 - (c) payment to the Administration of all expenses incurred in connection with the removal or the reinstatement.

8. Temporary or movable structures

- (1) Subject to subsection (2), a person must not erect or place a temporary or a movable structure on the seashore.
- (2) By order made as a public instrument, the Administrator may designate an area of the seashore that may be used for the erection or placement of temporary or movable structures specified in the order.
- (3) In an area designated under subsection (2), if a person applies, an Area Officer may grant a licence permitting the erection or placement of a temporary or movable structure.
- (4) The licence granted under subsection (3) must specify the type of temporary or movable structure permitted and may impose any other conditions as the Area Officer considers necessary.
- (5) A person must comply with the conditions of the licence.
- (6) A person who contravenes subsection (1) or (5) commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
- (7) In addition or instead of a penalty, the Court may order 1 or more of the following—
 - (a) at the person's expense, removal of any temporary or movable structure;
 - (b) at the person's expense, reinstatement of the seashore to its former state;
 - (c) payment to the Administration of all expenses incurred in connection with the removal or the reinstatement.
- (8) For the purposes of this section, "temporary or movable structure" includes a hut, caravan, tent, bank of seating, sign or booth.

9. Buildings

- (1) Subject to subsection (2), a person must not erect, place, alter or repair a building or carry out any other type of development on the seashore.
- (2) At the Administrator's discretion, the Administrator may authorise in writing an Area Officer to issue a building permit for the erection, placement, alteration or repair of a building or for the carrying out of any other type of development.
- (3) The Administrator may impose such conditions as the Administrator considers necessary.
- (4) A person must comply with a condition imposed under subsection (3).
- (5) A building permit authorised in accordance with subsection (2), is issued and is subject to the Streets and Buildings Regulation (Consolidation) Ordinance 1984.
- (6) A person who contravenes subsection (1) or (4) commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
- (7) In addition or instead of a penalty, the Court may order 1 or more of the following—
 - (a) at the person's expense, removal of any building, part of a building or other development;
 - (b) at the person's expense, reinstatement of the seashore to its former state;
 - (c) payment to the Administration of all expenses incurred in connection with the removal or the reinstatement.

10. Events

- (1) Subject to subsections (2) and (4), a person must not organise or cause to take place on the seashore or on land abutting the seashore, an event where—

- (a) more than 50 persons are involved or expected to be present, including as spectators;
 - (b) an admission fee is charged;
 - (c) seating, catering services, lighting, entertainment or any other amenities are provided on the seashore by or in the course of a business; or
 - (d) the event is organised for commercial gain.
- (2) If a person applies, an Area Officer may grant a licence for such an event.
 - (3) The licence must specify the type of event and may impose any other conditions as the Area Officer considers necessary.
 - (4) If a person wishes to hold regular events on the seashore or on land abutting the seashore, the person may apply in writing and, at the Administrator's discretion, the Administrator may authorise in writing the holding of the events without a licence and may impose any conditions as the Administrator considers necessary.
 - (5) A person must comply with a condition imposed under subsection (3) or (4).
 - (6) A person who contravenes subsection (1) or (5) commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
 - (7) In addition or instead of a penalty, the Court may order 1 or both of the following—
 - (a) at the person's expense, reinstatement of the seashore or land abutting the seashore to its former state;
 - (b) payment to the Administration of all expenses incurred in connection with the reinstatement.
 - (8) For the purpose of this section—
 - (a) a reference to the "seashore" or "land abutting the seashore" includes a building or a structure placed on the seashore or abutting land; and
 - (b) "event" includes a social or sports event but does not include any entertainment taking place inside a building where—
 - (i) the business is a restaurant and the business is being undertaken in compliance with all legislative requirements; and
 - (ii) the entertainment is merely ancillary to the business of operating a restaurant.

11. Commercial water sports

- (1) Subject to subsection (3), a person must not carry out or organise commercial water sports.
- (2) By order made as a public instrument, the Administrator may designate areas of the seashore that are suitable to be used for commercial water sports.
- (3) In an area designated under subsection (2), if a person applies, an Area Officer may authorise in writing the carrying out or organisation of commercial water sports.
- (4) The authorisation granted under subsection (3) must specify the type of water sports permitted and may impose any other conditions as the Area Officer considers necessary.
- (5) A person must comply with a condition imposed under subsection (4).
- (6) A person who contravenes subsection (1) or (5) commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
- (7) For the purpose of this section, "commercial water sports" means water sports carried out or organised by a person who, in the course of a business, provides facilities for or tuition in water sports.

12. Animals

- (1) Subject to subsection (3), a person must not bring an animal onto the seashore.

- (2) A person must not wash an animal in the sea.
- (3) By order made as a public instrument, the Administrator may designate an area where dogs are permitted.
- (4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding €854 (or to both).

13. Drains

- (1) By a notice in writing, an Area Officer may require a person to whom subsection (2) applies to cover a drainpipe which crosses the seashore or to extend a drain to the sea by means of pipes to a distance which the Area Officer may direct.
- (2) This subsection applies to—
 - (a) the owner of the land where the source of the effluent originates;
 - (b) the occupier of the land where the source of the effluent originates;
 - (c) a person who uses the drain or drainpipe;
 - (d) a person who is responsible for the maintenance of the drain or drainpipe; or
 - (e) a local authority in whose area all or part of the drainpipe is located.
- (3) A notice issued under subsection (1) must contain—
 - (a) a description of the work to be carried out; and
 - (b) the period of time within which the work must be completed.
- (4) If a person in receipt of a notice under subsection (1) does not comply with the terms of the notice specified in subsection (3), an Area Officer may carry out the necessary work and require the person to pay the cost of the work within a specified period.
- (5) On being notified in writing of the cost of the work, a person to whom subsection (2) applies who fails to pay the expenses incurred by the Administration within the time specified, commits an offence and, as well as the expenses incurred, is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
- (6) For the purposes of this section, “effluent” means any substance disposed of by way of a drain or a drainpipe.

Part 3

Services

14. Provision of sun beds etc.

- (1) Subject to sections 10 and 11 and subsections (2), (4) and (6), a person (including a local authority) must not provide services of any kind on the seashore or in the sea, whether or not for consideration, to members of the public, irrespective of whether or not they are customers or potential customers of a business.
- (2) In respect of an area of the seashore owned by the Crown, if a local authority applies, an Area Officer may grant a licence to a local authority for the provision of sun beds and beach umbrellas if—
 - (a) the local authority has established a local seashore committee in accordance with section 15; and
 - (b) the local seashore committee has prepared a seashore plan which has been approved by the Administrator in accordance with section 16(4).
- (3) A licence to provide sun beds and beach umbrellas may be subject to any conditions as the Area Officer considers necessary and must be granted subject to the following conditions—
 - (a) sun beds or beach umbrellas must not be provided for the public’s use before 7 am or after 7 pm;

- (b) the total number of sun beds and beach umbrellas proposed for each area of seashore must not cover more than 50% of the ground of that area;
 - (c) 8 square metres must be allowed for each sun bed whether positioned alone or with a beach umbrella, and 16 square metres must be allowed for each set of 2 sun beds and 1 beach umbrella; and
 - (d) the placement of sun beds and beach umbrellas must not be closer than 4 metres to the high water mark of the sea.
- (4) A local authority that has obtained a licence under subsection (2) may permit another person, whether or not for consideration, to provide sun beds and beach umbrellas to members of the public, subject to compliance with all other legislative requirements.
 - (5) Permission granted under subsection (4) must be granted subject to the conditions set out in subsection (3).
 - (6) Where a local authority does not apply or does not comply with any of the conditions in subsection (2), if a person applies, an Area Officer may grant a licence to a person subject to the conditions in subsection (3).
 - (7) If there are 2 or more persons who have a licence or permission to provide sun beds and beach umbrellas under this section on adjacent areas of seashore (“the providers”), the distance between the sun beds and umbrellas of the respective providers must be at least 20 metres.
 - (8) A person must comply with a condition imposed under this section.
 - (9) If the Administrator is satisfied that it is necessary to prohibit the provision of services of this or any kind in order to protect the natural, archaeological or ecological character of any area of the seashore or any marine life, by order made as a public instrument, the Administrator may designate an area of the seashore as an area where services of that kind must not be provided and in relation to which no licence or permission under subsection (2), (4) or (6) may be granted.
 - (10) Where an order is made under subsection (9), a licence or permission which already has been granted in relation to that area of seashore ceases to be valid from the date specified in the order.
 - (11) The prohibition on supplying sun beds or beach umbrellas without a licence does not apply—
 - (a) on land used or occupied by the Crown; and
 - (b) where they are provided for the recreational benefit of—
 - (i) members of Her Majesty’s Forces, members of the Civilian component or their dependents; or
 - (ii) any other person or class of person which the Chief Officer specifies by order made as a public instrument.
 - (12) A person who contravenes subsection (1) or (8) commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €2,562 (or to both).
 - (13) For the purpose of this section—
 - (a) “Civilian component” has the meaning given in paragraph 1(b) of section 1 of Annex C of the Treaty of Establishment; and
 - (b) “dependent” has the meaning given in paragraph 1(d) of section 1 of Annex C of the Treaty of Establishment.

15. Local seashore committees

- (1) Subject to subsection (6), a local authority may establish a local seashore committee if any part of the seashore lies within the local authority area.
- (2) A local seashore committee is to be composed of—
 - (a) the chairperson of the local authority;
 - (b) 3 other members of the local community;
 - (c) an Area Officer; and

- (d) a representative of the Environment Department.
- (3) For each committee established under subsection (1), a representative from each of the organisations of the Republic listed in subsection (4) must be invited to join and, on accepting the invitation, is to become a member.
- (4) The organisations are—
 - (a) the Cyprus Tourism Organisation;
 - (b) the Department of Town Planning and Housing; and
 - (c) the Department of Land and Surveys.
- (5) A committee established under subsection (1) must have regard to any guidelines made by the Chief Officer, by order as a public instrument, as to the interpretation and implementation of this Ordinance.
- (6) A local foreshore committee established under section 5E of the 1975 Ordinance is deemed to have been established under this section and to comply with this section.

16. Local seashore plans

- (1) Within a reasonable time after being established under section 15, a local seashore committee must prepare a draft plan for the seashore within its area showing, where relevant, the areas of the seashore—
 - (a) which are owned by the Crown;
 - (b) which are designated as suitable for a specified type of temporary or movable structure under section 8(2);
 - (c) which are designated as suitable for commercial water sports under section 11(2);
 - (d) where dogs are permitted under section 12(3);
 - (e) which are the subject of an order made under section 14(9); and
 - (f) where any access points have been created for persons with disabilities.
- (2) If the local authority intends to apply for a licence in accordance with section 14(2), the draft plan also must indicate the proposed maximum number of sun beds and beach umbrellas and their location having regard to section 14(3) and (7).
- (3) An Area Officer must publish the draft plan in the Gazette as a notice, together with a notification that any interested person may make written representations to the Administrator by a specified date which is not less than 30 days after its publication.
- (4) After the date specified in the notice referred to in subsection (3), the Administrator must approve or reject the plan or approve it subject to such modifications as the Administrator considers appropriate and, by order made as a public instrument, must publish the final plan.
- (5) If a local seashore committee wishes to amend a final plan, the procedure described in subsections (1) to (4) must be followed.
- (6) An Area Officer must have regard to the final plan when making decisions under this Ordinance that relate to the areas of the seashore covered by the plan.
- (7) A foreshore plan approved under section 5F of the 1975 Ordinance is deemed to have been made in accordance with this section.
- (8) An amendment to a plan approved under the 1975 Ordinance is subject to the provisions of this Ordinance.

Part 4

Enforcement

17. Appointment of watchkeepers

- (1) An Area Officer may appoint watchkeepers for the purpose of protecting the seashore.
- (2) If a watchkeeper is appointed, notice of the appointment may be published in the Gazette.

18. Removal

- (1) Where a structure or an object has been placed on the seashore, an authorised officer may carry out or arrange its removal, irrespective of whether or not court proceedings have been instituted.
- (2) Subject to section 21(3) and subsection (3), an authorised officer must take reasonable measures to ensure the safe storage of the structure or other object.
- (3) An authorised officer may dispose of a structure or an object if, in the officer's reasonable opinion,—
 - (a) it has been abandoned; or
 - (b) its value is sufficiently low that it does not warrant the cost or other resources involved in removal or storage.
- (4) The Administrator is liable for any damage to the structure or the object which was caused by the negligence of the person who carried out the removal or storage.
- (5) The owner of the structure or the object must pay to the Administration all expenses connected with 1 or more of the following—
 - (a) its removal;
 - (b) its storage;
 - (c) the reinstatement of the seashore or the land abutting the seashore to its former state.
- (6) Expenses required to be paid under subsection (5) are recoverable as a civil debt.
- (7) On the request of a police officer, an authorised officer must deliver to the police officer a structure or an object kept under the authorised officer's custody, if it is to be used as an exhibit in court proceedings.
- (8) In this section and in sections 19 to 21, "authorised officer" means—
 - (a) a police officer;
 - (b) a customs officer;
 - (c) an Area Officer; or
 - (d) a watchkeeper appointed under section 17;
- (9) In this section and in section 20, "object" includes a vehicle or vessel or any object contained within, attached to or connected with the vehicle or vessel.
- (10) In this section and in sections 19 and 20, "structure" includes part of the structure or any object contained within, attached to or connected with the structure.

19. Demolition

- (1) Where a building or a structure has been placed on the seashore in breach of this Ordinance, an authorised officer may carry out or arrange its demolition or dismantling, irrespective of whether or not court proceedings have been instituted.
- (2) The authorised officer responsible for the demolition or dismantling may dispose or arrange the disposal of the debris from the building or structure as the person considers appropriate.
- (3) The owner must pay to the Administration all expenses connected with 1 or more of the following—
 - (a) the demolition or dismantling of the building or structure;
 - (b) the disposal of the building or structure;
 - (c) the reinstatement of the seashore or the land abutting the seashore to its former state.

- (4) Expenses required to be paid under subsection (3) are recoverable as a civil debt.
- (5) In this section and in section 20, “building” includes part of the building or any object contained within, attached to or connected with the building.

20. Notification

- (1) An Area Officer must notify in writing the owner of the building, structure or object that it has been demolished, dismantled or stored.
- (2) If the owner of a structure or an object which has been stored under section 18(2) (the “stored object”) or a building or a structure which has been demolished or dismantled under section 19, cannot be identified or located, an Area Officer must publish a notice in the Gazette.
- (3) Where the authorised officer is not an Area Officer, subsection (1) or (2) applies within a reasonable time of the Area Officer being notified by the authorised officer of the removal, demolition or dismantling of the building, structure or object.
- (4) The notice published under subsection (2) must—
 - (a) describe the building, structure or object which has been demolished, dismantled or removed;
 - (b) the location where it was demolished or dismantled or from where it was removed; and
 - (c) in the case of a stored object, request that the owner submits a claim to the Area Officer who published the notice within 1 month from the publication of the notice.

21. Claiming ownership

- (1) The owner of a stored object must notify the appropriate Area Officer in writing within 1 month of receipt of notification or publication of the notice if the owner wants the stored object to be returned.
- (2) Subject to subsections (3) and (9), a stored object, which has not been claimed within a period of 1 month of the owner being notified or the publication of the notice, may be sold, disposed of or destroyed in such manner as is considered appropriate.
- (3) An authorised officer who has custody of a stored object may proceed with its immediate sale or other disposal if, in the officer’s reasonable opinion, it is in the interests of the owner to do so.
- (4) If immediate sale or disposal is arranged, the notice referred to in section 20(2) must state the amount of the proceeds (if any) from the sale or disposal.
- (5) Within a period of 1 month from the date of publication of the notice referred to in section 20(2), a person who claims ownership of a stored object or the proceeds of sale or disposal must produce evidence to the Area Officer in support of the claim.
- (6) Subject to the stored object not being used as evidence in criminal proceedings, if the Area Officer finds that there is satisfactory evidence of ownership, the Area Officer or another authorised officer must—
 - (a) return the stored object to the owner, if the owner pays any expenses incurred under section 18(5); or
 - (b) pay any proceeds from the sale or disposal to the owner, after deducting all expenses incurred in connection with the removal, custody, sale or disposal.
- (7) If the claimant does not produce evidence in support of ownership which satisfies the Area Officer, the Area Officer must refuse the claim in writing.
- (8) The claimant may appeal in writing to the Chief Officer within 14 days of the refusal and the Chief Officer must accept or refuse the claim in writing.
- (9) If the Area Officer refuses the claim, no action is to be taken pursuant to subsection (2) until the later of—
 - (a) the end of the period for making the appeal; or
 - (b) the Chief Officer refusing the claim in accordance with subsection (8).

- (10) If the owner of the stored object is established to the satisfaction of the Chief Officer, the Area Officer must—
 - (a) return it to the owner, if the owner pays any expenses incurred under section 18(5); or
 - (b) pay any proceeds from the sale or disposal to the owner, after deducting all expenses incurred in connection with the removal, custody, sale or disposal.
- (11) If no claim is made in accordance with subsection (1) or a claim or appeal is made within the specified time limits but ownership is not established to the satisfaction of an Area Officer or the Chief Officer, after deducting all expenses incurred in connection with the removal, dismantling, custody, sale or other disposal, any proceeds from the sale or disposal may be used in such manner as the Administrator thinks appropriate.
- (12) In this section, where the owner of a stored object cannot be established or located, “owner” includes a person who an Area Officer or the Chief Officer reasonably believes is responsible for or has control of the object.

22. Power of search and seizure

- (1) If a police officer reasonably suspects that a vehicle or vessel is or has been used in, or may contain evidence of, the commission of an offence under a provision of this Ordinance, the police officer may—
 - (a) stop and search the vehicle or the vessel; or
 - (b) seize the vehicle, the vessel or objects found within, attached to or connected with the vehicle or the vessel.
- (2) A vehicle, a vessel or an object seized under subsection (1) may be retained at a police station for a period not exceeding 48 hours, unless the Court directs otherwise.
- (3) A person who is in control of or responsible for a vehicle or a vessel who refuses to stop, allow it to be searched or seized is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €1,708 (or to both).

Part 5

Miscellaneous

23. Amendment, revocation and suspension of licences and authorisation

- (1) An Area Officer may amend, suspend or revoke a licence issued under this Ordinance without prior notice.
- (2) The Administrator may revoke an authorisation granted under this Ordinance or amend a condition attached to the granting of the authorisation without prior notice.

24. Regulations and orders

- (1) The Administrator may make regulations or orders as a public instrument for the purposes of this Ordinance.
- (2) Regulations and orders made under this section may contain such provision as may be made by this Ordinance.

25. Criminal offences

If an offence under this Ordinance, committed by a body corporate, is committed with the consent or the connivance of, or is attributable to any neglect by a director, manager, secretary or other similar officer of the body corporate, that officer, as well as the body corporate, commits that offence.

26. Fixed penalties

If there is a suspected contravention of a provision which is a criminal offence under this Ordinance, section 3 of the Fixed Penalty Ordinance 2010(c) permits the service of a fixed penalty notice in respect of those offences listed in Schedule 2 to the Fixed Penalty Ordinance 2010.

27. Transitional provisions and savings

- (1) A licence or permit granted under the 1975 Ordinance which is valid on the day immediately before this Ordinance comes into force remains valid until the date of its expiry.
- (2) A licence or permit granted under the 1975 Ordinance is subject to the provisions of this Ordinance.
- (3) Public instruments made under the 1975 Ordinance, which are not revoked by this Ordinance, continue to have effect and may be amended in accordance with section 24.

28. Repeal and revocation

- (1) The Ordinances set out in Schedule 2 are repealed.
- (2) The public instruments set out in Schedule 3 are revoked.

SCHEDULE 1

Section 2

CO-ORDINATES FOR BOAT LANES

1. The co-ordinates for the boat lanes on Ladies Mile beach are—
 - (a) the area of seashore bounded by—
 - (i) the coastline joining the position latitude $34^{\circ}36.734'N$, longitude $33^{\circ}00.344'E$ (“point A”) and the position latitude $34^{\circ}36.729'N$, longitude $33^{\circ}00.349'E$ (“point B”);
 - (ii) the line joining point B to the position latitude $34^{\circ}36.736'N$, longitude $33^{\circ}00.292'E$ (“point C”);
 - (iii) the boundary of the road joining point C to position latitude $34^{\circ}36.743'N$, longitude $33^{\circ}00.295'E$ (“point D”); and
 - (iv) the line joining point D to point A; and
 - (b) the area of seashore bounded by—
 - (i) the coastline joining the position latitude $34^{\circ}37.547'N$, longitude $33^{\circ}00.395'E$ (“point A”) and the position latitude $34^{\circ}37.540'N$, longitude $33^{\circ}00.395'E$ (“point B”);
 - (ii) the line joining point B to the position latitude $34^{\circ}37.545'N$, longitude $33^{\circ}00.367'E$ (“point C”);
 - (iii) the boundary of the road joining point C to position latitude $34^{\circ}37.554'N$, longitude $33^{\circ}00.370'E$ (“point D”); and
 - (iv) the line joining point D to point A.
2. The co-ordinates for the boat lane at the Dhekalia Water Sports Centre is the area of seashore bounded by—
 - (a) the coastline joining the position latitude $34^{\circ}58.830'N$, longitude $033^{\circ}43.227'E$ (“point A”) and the position latitude $34^{\circ}58.832'N$, longitude $033^{\circ}43.226'E$ (“point B”);
 - (b) the line joining point B to the position latitude $34^{\circ}58.885'N$, longitude $033^{\circ}43.531'E$ (“point C”);
 - (c) the boundary of the road joining point C to position latitude $34^{\circ}58.883'N$, longitude $033^{\circ}43.535'E$ (“point D”); and
 - (d) the line joining point D to point A.

SCHEDULE 2

Section 28(1)

REPEAL

Item	Title of Ordinance	Ordinance number
1	Foreshore Protection Ordinance 1975	9/75
2	Foreshore Protection (Amendment) Ordinance 1987	9/87
3	Foreshore Protection (Amendment) Ordinance 1999	12/99
4	Foreshore Protection (Amendment) Ordinance 2003	13/03

SCHEDULE 3

Section 28(2)

REVOCATION

Item	Title of instrument	Public instrument number
1	Notice under section 2	66/65
2	Notice under section 3(1)	12/80
3	Notice under section 3(1)	48/82
4	Notice under section 3(1)	19/84
5	Notice under section 3(1)	17/00

Notes

- (a) Ordinance 9/75 as amended by Ordinances 9/87, 12/99 and 13/03.
 (b) Ordinance 7/84.
 (c) Ordinance 25/10.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Seashore Protection Ordinance 2013. 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. This 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.
3. The Ordinance, like the Republican Foreshore Protection Law (Cap. 59), enables the public to access and enjoy the seashore. It also aims to protect the ecology and the character of the seashore from pollution, overdevelopment and other man-made pressures. The Ordinance replaces the Foreshore Protection Ordinance 1975. Certain offences under the 1975 Ordinance have not been replicated including sitting within 4 metres of the sea and playing any kind of ball game. Also, the line from the high water mark has been redrawn so that, rather than being a uniform distance of 90 metres, the protected zone does not include those areas which are no longer considered to require protection.
4. Section 3 provides that, except where there is a specific exemption, the Ordinance applies to the Crown.
5. Section 4 provides that digging or removing materials from the seashore is permitted if a licence has been granted and this licence may be subject to conditions.
6. Section 5 prohibits the dumping of rubbish in the sea or on the seashore in any circumstance. Under the previous Ordinance, it was only an offence to dump rubbish if an Area Officer issued a notice prohibiting such dumping.
7. Sections 6 and 7 prohibit driving and parking on the seashore except in prescribed areas for the purpose of launching or retrieval of a boat not more than 7 metres in length or in areas authorised by the Administrator. The prohibition does not apply if individuals are working on behalf of the Crown.
8. Section 8 applies to all temporary or movable structures including caravans, tents, huts, kiosks and signs. They are only permitted to be placed in designated areas and only if a licence has been granted.
9. Section 9 prohibits the erection of buildings on the seashore. In exceptional circumstances, the Administrator may authorise an Area Officer to grant a building permit.
10. New provisions have been included as sections 10 and 11. Except where a licence has been granted by an Area Officer or where authorisation has been granted by the Administrator, section 10 prohibits large or commercially-organised events (such as large beach parties, and large volleyball tournaments). Except where authorised, section 11 prohibits the commercial provision of facilities for and tuition in water sports. Also, in the case of water sports, authorisation may only be granted in an area which has been designated as suitable for this purpose. All other legislative requirements apply so, for example, a commercial enterprise requires a business licence under section 21 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960.
11. Under section 12, a person must not bring an animal onto the seashore which would include leading or riding the animal. The Administrator may designate areas of the seashore where dogs are permitted.
12. Section 13 is intended to prevent unwanted substances being drained on to the seashore or too close to the shoreline. An Area Officer may require a person to cover a drain or ensure that a drain is extended to a specified distance out to sea.
13. Section 14 prohibits the provision of services to the public on the seashore or in the sea. There are exceptions. A local authority may provide sun beds and beach umbrellas on Crown land if a licence is granted by an Area Officer, subject to the listed conditions. If a local authority has obtained a licence, it may permit another person to supply the sun beds and umbrellas. In accordance with sections 15 and 16, if the local authority does not set up a local seashore committee and produce a plan, which are required in order to apply for a licence, the Area Officer may issue a licence to a third party. The licensing regime does not apply on seashore owned and occupied by

the Crown and where the facility is provided for the use of the British Forces' community. For archaeological or environmental reasons, the Administrator may designate areas where no such licences may be issued.

14. Section 15 provides that a local authority may establish a local seashore committee composed of the individuals named in the section including a representative of the Administration's Environment Department. Where such a committee has been set up the committee must draw up a seashore plan in accordance with section 16 which may make provision for the permitted positioning of sun beds and umbrellas on the seashore. The plan must be approved by the Administrator.

15. Authorised officers (watchkeepers if appointed under section 17, police officers, customs officers and Area Officers) have the powers, set out in sections 18 and 19, to remove or demolish buildings, structures or other articles from the seashore, irrespective of whether or not court proceedings have been started.

16. Sections 18 provides for the safe storage of a removed object and the delivery to a police officer for use as an exhibit.

17. Where an object has been removed and stored, sections 20 and 21 set up a mechanism for notifying the owner or, if unknown, finding and establishing the owner. Section 21 also provides that an owner must pay the costs incurred by the Administration before an object is returned.

18. Under section 22, a police officer is given the power to stop and search a vehicle or vessel if the officer believes that a person has or is committing an offence under this Ordinance and the vehicle or vessel contains evidence. The police officer may also seize the vehicle or vessel which may be detained at a police station for up to 48 hours or longer if the Court directs.

19. Part 5 addresses, amongst other things, changes to licences and the making of secondary legislation. It also includes section 26 which refers to the Fixed Penalty Ordinance 2010 which, in Schedule 2 of that Ordinance, lists those offences where, if it is suspected that they have been committed, a fixed penalty notice may be issued.

