
**BUILDING STANDARDS (ADOPTION) ORDINANCE
2022**

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**BUILDING STANDARDS (ADOPTION) ORDINANCE
2022**

An Ordinance to make provision for legislation of the Republic of Cyprus relating to building standards to apply in the Sovereign Base Areas

R. Thomson
ADMINISTRATOR

11 May 2022

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

PART 1

Preliminary

Short title and commencement

1. This Ordinance may be cited as the Building Standards (Adoption) Ordinance 2022 and comes into force on 16 May 2022.

Interpretation

2.—(1) In this Ordinance—

“1984 Ordinance” means the Streets and Buildings Regulation (Consolidation) Ordinance 1984(a);

“2012 Ordinance” means the Adopted Instruments (Interpretation) Ordinance 2012(b);

“Building Standards Laws” means the Construction Products Law, the Energy Efficiency of Buildings Law and the Streets and Buildings Law;

“Construction Products Law” means Law number 130 of 2013(c) (Construction Products Law 2013) and includes—

- (a) any amendment made to the Law (whenever enacted);
- (b) any public instrument made under the Law (whenever enacted); and
- (c) any amendment made to such a public instrument (whenever enacted);

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

“Development Order” means an order listed in the Schedule to the Town and Country and Planning (Adoption) Order 2022(d)

“Energy Efficiency of Buildings Law” means Law number 142 of 2006(e) (Regulation of the Energy Efficiency of Buildings Law 2006) and includes—

- (a) any amendment made to the Law (whenever enacted);
- (b) any public instrument made under the Law (whenever enacted); and
- (c) any amendment made to such a public instrument (whenever enacted);

“Streets and Buildings Law” means Cap. 96 of the Republic(f) and includes—

- (a) any amendment made to the Law (whenever enacted);
- (b) any public instrument made under the Law (whenever enacted); and
- (c) any amendment made to such a public instrument (whenever enacted).

PART 2

Erection, alteration etc of buildings prohibited without permit

Building permit requirements

3.—(1) No person may—

- (a) lay out or construct a street,
- (b) erect, or allow to be erected, a building,
- (c) demolish, reconstruct, or make any alteration, addition or repair to any existing building, or allow any such demolition, reconstruction, alteration, addition or repair to be made,
- (d) lay out or divide any land (irrespective of whether any buildings, other than buildings used solely for agriculture or forestry, exist thereon) into separate sites,
- (e) alter or allow the alteration of the approved use of the building,
- (f) commence any of the works or matters set out above,

without first obtaining a building permit from the appropriate authority

(2) In this section, appropriate authority within each Area shall be the Area Officer of that Area.

(a) Ordinance 7/1984 as amended by Ordinances 2/1987, 13/1987, 18/1988, 10/1996, 7/1999, 2/2000, 10/2000, 24/2004, 26/2007 and 27/2013.
(b) Ordinance 31/2012.
(c) Republic of Cyprus Gazette No. 411 of 01.11.2013.
(d) P.I. 07/2022
(e) Republic of Cyprus Gazette No.4095 of 03.11.2006.
(f) Statute Laws of Cyprus 1959 edition.

(3) The function of the appropriate authority in this section is a general delegated function for the purpose of the Delegation of Functions to the Republic Ordinance 2007(a).

PART 3

Application of the Building Standards Laws

Adoption of the Building Standards Laws

4.—(1) Apart from the provisions referred to in subsection (2), the Building Standards Laws (including provisions governing criminal liability and penalties) have effect as part of the law of the Areas, subject to the modifications provided for in this Ordinance.

(2) Subsection (1) does not apply to the following provisions—

- (a) sections 3, 10D, 12 to 14, 20 and 25 to 27 of the Streets and Buildings Law;
- (b) the time limits in sections 10E(4) and 18(2) of the Streets and Buildings Law;
- (c) Parts IV (heights and space around buildings), VI (projections), VIA (fences), VIB (access) and XIA (parking spaces) and regulations 61GA, 62, 65 and 66 of, and the Schedule to, the Streets and Buildings Regulations(b);
- (d) any provision that sets a time limit for the appropriate authority to exercise any function under the Streets and Building Law;
- (e) regulation 9 of public instrument 119/2011 of the Republic(c);
- (f) sections 24 and 27 of the Construction Products Law;
- (g) any provision that refers to the armed forces of the Republic.

Application of the 2012 Ordinance

5. Sections 6 to 8 and 10 of the 2012 Ordinance apply to the Building Standards Laws as they apply to adopted instruments, to the extent that they do not contradict other modifications provided for in this Ordinance.

Future Building Standards Laws

6.—(1) Any provision of a Building Standards Law not in force in the Republic on the day this Ordinance comes into force takes effect in the Areas 60 days after they come into force in the Republic.

(2) The Chief Officer may, by order made as a public instrument—

- (a) provide that any provisions of such Building Standards Laws, takes effect prior to the expiry of the 60 day period referred to in subsection (1);
- (b) modify how any such provisions applies in the Areas; or
- (c) disapply any such provisions of the Building Standards Laws.

Application to the Crown

7. The Building Standards Laws do not apply to the Crown.

Interpretation of the Building Standards Laws

8.—(1) In the Building Standards Laws a reference to—

(a) Ordinance 17/2007.

(b) Cap. 159 Statute Laws of Cyprus 1959 edition, as amended from time to time.

(c) Published in Supplement III(I) of Republic of Cyprus Gazette No. 4488 of 8 April 2011.

- (a) the State or the Government of the Republic must be construed as a reference to Her Majesty in right of Her Administration of the Areas;
 - (b) immovable property belonging to the Republic must be construed as a reference to immovable property belonging to the Her Majesty in right of Her Administration of the Areas;
 - (c) money being owed to the Republic must be construed as a reference to money being owed to the Her Majesty in right of Her Administration of the Areas.
- (2) Where a provision in the Building Standards Laws contains a reference to a document having effect in the Republic other than legislation—
- (a) if there is a document whose effects in the Areas (other than under this Ordinance) are similar, or substantially similar, the reference must be treated as a reference to that document;
 - (b) if there is no such document in the Areas—
 - (i) subject to sub-paragraph (ii), the document must be taken into account when the provision is interpreted or applied in the Areas,
 - (ii) if the document applies to a named area within the Republic, the provision must be construed as if it does not refer to the document.

Requirement to hold qualifications etc.

- 9.—(1) Section 6(4) of the 2012 Ordinance does not apply when this section applies.
- (2) This section applies where the Building Standards Laws require a person to hold a particular qualification or licence, or be entered on a register or appointed, to carry out an activity.
- (3) A person can only carry out that activity in the Areas to the extent that they can do so in the Republic, and subject to the same conditions.

Use of prescribed forms

- 10.—(1) Section 6(4)(b) of the 2012 Ordinance does not apply where the Building Standards Laws require the use of a prescribed form.
- (2) When subsection (1) applies the prescribed form to be used is the form used in the Republic for that purpose.
- (3) In this section—
- “prescribed form” means a form to be used for—
- (a) an instrument in writing, or
 - (b) an application form, report or other similar document to be given to a person carrying out a function,
- “instrument in writing” includes an order, notice, direction, appointment, licence, permission or other similar instrument in writing, but does not include a Public Instrument.

Bodies established by the Building Standards Laws

- 11.—(1) A provision of the Building Standards Laws which creates any liability or duty in relation to the establishment, functioning or termination of a body (whether incorporated or not) that it permits or requires the establishment of —
- (a) for the purpose of exercising any duties imposed or powers conferred on it by or under the Building Standards Laws; or
 - (b) for the purpose of providing assistance to any officer of the Republic in connection with any duties or powers conferred or imposed by or under the Building Standards Laws,
- does not have effect in the Areas.

(2) Any body which, in the Republic, is created as a result of a provision of the kind referred to in subsection (1) is recognised in the Areas as having the same functions, powers and duties as if that body had been established under the provisions of this Ordinance and has the same functions, powers and duties in the Areas as it has in the Republic.

PART 4

Application of the Energy Efficiency of Buildings Law

Energy Efficiency of Buildings Law: EU documents

12.—(1) Where a provision in the Energy Efficiency of Buildings Law contains a reference to EU legislation or any other EU document, the legislation or document, as amended or substituted from time to time, may be taken into account when the provision is interpreted or applied in the Areas.

(2) Section 8 of the European Union (Specified Measures) Ordinance 2005(a) applies to the documents referred to in subsection (1).

PART 5

Application of the Construction Products Law

Construction Products Law: designated and notified bodies

13.—(1) This section applies to technical assessment bodies and notified bodies designated or notified by the notifying authority in the Republic in accordance with section 7 of the Construction Products Law.

(2) Those bodies have the same powers and duties as if they had been designated or notified under the provisions of this Ordinance and have the same powers and duties in the Areas as they have in the Republic.

Construction Products Law: interpretation

14.—(1) Subject to subsections (3) and (4), any EU legislation referred to in a provision of the Construction Products Law has the same effect in the Areas as it has in the Republic for the purposes of that provision, subject to any necessary modifications to make it applicable to the Areas.

(2) The EU legislation referred to in subsection (1) is the EU legislation as amended from time to time.

(3) The Construction Products Law, and the EU legislation it refers to, has no effect in the Areas to the extent that it—

- (a) confers any powers or duties on any EU institution or body;
- (b) confers any duties on any public officer to do anything in relation to any EU institution or body; or
- (c) confers any duties on any public officer to do anything in relation to any member State other than the Republic.

(4) Any reference in the Construction Products Law, or the EU legislation it refers to, to the geographical area of the EU is to be construed as a reference to the Areas.

(a) Ordinance 24/2005 as amended by Ordinances 23/2010 and 45/2020.

PART 6

Application of the Streets and Buildings Law

Streets and Buildings Law: requirement for a planning permit

15. Nothing done under the Streets and Buildings Law (including the issue of any kind of certificate of approval) affects the requirement to obtain a planning permit under the Town and Country Planning Ordinance 2022 or the consequences of not obtaining such a permit.

Streets and Buildings Law: references to Eurocodes

16.—(1) — Where a provision in the Streets and Buildings Law contains a reference to Eurocodes, those Eurocodes have the same effect in the Areas as they do in the Republic for the purposes of that provision.

(2) The Eurocodes referred to in subsection (1) are the Eurocodes as amended or substituted from time to time.

(3) Section 8 of the European Union (Specified Measures) Ordinance 2005 applies to the Eurocodes referred to in subsection (1).

Streets and Buildings Law: functions of the appropriate authority

17.—(1) Section 7 of the 2012 Ordinance does not apply when subsection (2) applies.

(2) Where the Streets and Buildings Law confers a power or imposes a duty on the “appropriate authority”, the power or duty is deemed to be conferred or imposed on the Area Officer for the Area where it is to be exercised.

(3) Subject to section 17 and subsection (4) a power conferred, or duty imposed, on the Area Officer under this section is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).

(4) Where a building permit application is made under this Ordinance for a development which is exempted, by virtue of a Development Order, from the requirement to obtain a planning permit under the Town and Country Planning Ordinance 2022, a power conferred or duty imposed on the Area Officer under this section is a qualified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

Streets and Buildings Law: qualified delegation of certain functions

18.—(1) Section 8 of the 2012 Ordinance does not apply when this section applies.

(2) The functions conferred by sections 10E, 17 and 18 of the Streets and Buildings Law are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

Streets and Buildings Law: fees

19.—(1) Subject to subsection (2), where the Streets and Buildings Law confer on an appropriate authority the function of granting, under its provisions, permits in relation to matters that are referred to in the Schedule, the fees set out in the Schedule are payable to the appropriate authority in respect of the grant of the permit, within the meaning of the Streets and Building Law.

(2) No fees shall be payable in respect of such a permit to erect any place of public worship or a school operating under any Ordinance in force for the time being relating to elementary or secondary education, or to demolish or reconstruct or make any alteration, addition or repair to any existing place of public worship or such school.

(a) Ordinance 17/2007.

(3) A provision of the Streets and Buildings Law that provides for a fee to be payable in respect of a permit to which subsection (1) or (2) applies is of no effect.

Administrator may exempt the Republic or Republican authorities from the Streets and Buildings Law

20.—(1) The Administrator may exempt the Government of the Republic, or any public authority or statutory undertaker of the Republic, from the Streets and Buildings Law, either partially or in its entirety.

(2) The exemption in subsection (1) may be subject to conditions and may apply in relation to—

- (a) any type of development whether in any particular area or generally; or
- (b) any particular development.

(3) The exemption in subsection (1) must be made by a notice published in the Gazette.

(4) A certificate under the hand of the Administrator, issued after consultation with the appropriate authorities of the Republic, that any condition imposed under subsection (2) has been complied with is conclusive evidence of that fact.

(5) In this section the term “statutory undertaker” has the same meaning as in section 65(8) of the Town and Country Planning Ordinance 2022 (power to override easements and other rights).

PART 7

Miscellaneous

Offences

21.—(1) Any person who contravenes—

- (a) section 3 of this Ordinance,
- (b) any condition, order, decision, notice or requirement imposed by or under the Building Standards Laws,

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding twelve months or to a fine not exceeding €10,000 or to both.

(2) When an offence is committed under subsection (1) of this section, each of the following persons shall be deemed to have taken part in committing the offence and be guilty of the offence and may be charged and tried with actually committing it and may be punished accordingly—

- (a) every person who actually does the act or makes the omission which constitutes the offence,
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence,
- (c) every person who procures, aids or abets another person in committing the offence,
- (d) every person who solicits or incites or endeavours to persuade another person to commit the offence,
- (e) every person who does any act preparatory to the commission of the offence.

(3) Where an offence under this section, committed by a supervising engineer employed by or having a dependent professional relationship with a land developer, is proved to have been committed with the consent or the connivance of, or to have been attributable to any neglect on the part of the said land developer, he as well as the supervising engineer shall be guilty of that offence and he shall be liable to be proceeded against and punished as provided for by this section.

(4) In addition to any other penalty prescribed by this section, the Court, before which a person is convicted for any offence under subsection (1) of this section, may order—

- (a) that the building or any part thereof, as the case may be, in respect of which the offence has been committed shall be pulled down or removed within such time as shall be specified in

such order, but in no case exceeding two months, unless a permit is obtained in respect thereof in the meantime from the appropriate authority,

- (b) in the case of a building for which no certificate of approval has been issued or in the case where the present use of a building is not in accordance with the approved use under the relevant building permit, the termination of such use of the building, within a time limit specified in the order, but not exceeding two months, unless in the meantime the relevant certificate of approval or the relevant permit has been obtained from the appropriate authority,
- (c) where the approved use of a building is being altered, the stoppage of the alteration of the approved use of the building, within such time as shall be specified in the Court order, but in no case exceeding two months, unless a permit is obtained in respect thereof, in the meantime, from the appropriate authority.

(5) In granting the permits referred to in subsections 4(a) and (b), the appropriate authority may impose such terms and conditions as may seem fit.

(6) The Court before which a charge has been brought against any person for any offence under subsection (1) of this section, may on an application without notice order that any further operations in respect of a building or street or the alteration of the approved use of a building in the course of erection, demolition, construction or reconstruction be stayed until the final determination of the case in respect of which the charge has been brought.

(7) If any person against whom an order has been made under subsection (3) or (4) shall fail or neglect to comply with such order within the time specified therein, it shall be lawful for the appropriate authority to carry out such order and any costs incurred for the carrying out thereof shall be payable to the appropriate authority by the person against whom the order was made and such costs shall be deemed to be a penalty within the meaning of the Criminal Procedure Ordinance 2016, and payment thereof shall be enforced accordingly.

(8) Any person against whom an order has been made under subsection (3) or (4) of this section who disobeys or fails to comply with such order shall, notwithstanding that the appropriate authority has proceeded to carry out or has carried out such order, be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding €5,000 or to both such imprisonment and fine.

(9) In this section, the appropriate authority within each Area shall be the Area Officer of that Area.

(10) The functions of the appropriate authority in this section are general delegated functions for the purpose of the Delegation of Functions to the Republic Ordinance 2007.

Applications for building permits not determined before the commencement date

22.—(1) This section applies where—

- (a) prior to the coming into force of this Ordinance, a person (“applicant”) has made an application for a building permit under the 1984 Ordinance; and
- (b) on the coming into force of this Ordinance, the appropriate authority (within the meaning of the 1984 Ordinance) has not notified the applicant of its decision on the application.

(2) An application falling within subsection (1) must continue to be considered and determined as if no development plan had come into effect in accordance with the provisions of Town and Country Planning Ordinance 2022, unless the applicant agrees, in writing, that it may be considered and determined taking into account that development plan.

Savings

23. Anything done under the 1984 Ordinance before this Ordinance comes into force remains valid and is treated as if it was done under this Ordinance.

Repeals

24. The following Ordinances are repealed—

- (a) the Streets and Buildings Regulation (Consolidation) Ordinance 1984(a);
- (b) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 1987(b);
- (c) the Streets and Buildings Regulation (Consolidation) (Amendment) (No. 2) Ordinance 1987(c);
- (d) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 1988(d);
- (e) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 1996(e);
- (f) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 1999(f);
- (g) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 2000(g);
- (h) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 2000(h);
- (i) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 2004(i); and
- (j) the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance 2013(j).

Revocations

25.—(1) The following public instruments are revoked—

- (a) the Streets and Buildings (Consolidation) Regulations 1984(k);
- (b) the Streets and Buildings (Consolidation) (Amendment) Regulations 1985(l);
- (c) the Streets and Buildings (Consolidation) (Amendment) Regulations 1987(m);
- (d) the Streets and Buildings (Consolidation) (Amendment) Regulations 1996(n); and
- (e) the Streets and Buildings (Consolidation) (Amendment) Regulations 2000(o).

(2) The following notices are revoked—

- (a) notice 47 of 1985;
- (b) notice 39 of 1997; and
- (c) notice 22 of 2005.

Consequential amendments

26.—(1) In column 2 of item 4 of the Schedule to the Documents (Special Duty) Ordinance 1962(p), for the existing text, substitute “the Building Standards (Adoption) Ordinance 2022, to the extent that it applies the Streets and Buildings Law of the Republic (Cap. 96)”.

(2) In section 17(2) of the Control of Atmospheric Pollution Ordinance 1998(q) (erection of chimneys), for “the Streets and Buildings Regulation (Consolidation) Ordinance”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

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- (a) Ordinance 7/1984.
 - (b) Ordinance 2/1987.
 - (c) Ordinance 13/1987.
 - (d) Ordinance 18/1988.
 - (e) Ordinance 10/1996.
 - (f) Ordinance 7/1999.
 - (g) Ordinance 2/2000.
 - (h) Ordinance 10/2000.
 - (i) Ordinance 24/2004.
 - (j) Ordinance 27/2013.
 - (k) P.I. 29/1984.
 - (l) P.I. 33/1985.
 - (m) P.I. 69/1987.
 - (n) P.I. 67/1996.
 - (o) P.I. 33/2000.
 - (p) Ordinance 7/1962. The Schedule was substituted by Ordinance 22/2009.
 - (q) Ordinance 6/1998, which has been amended in ways not relevant to this Ordinance.

(3) In section 5(11) of the Places of Entertainment Ordinance 1999**(a)** (licences), for “the Streets and Buildings Regulation (Consolidation) Ordinance”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

(4) In section 4(7) of the Public Swimming Pools Ordinance 2000**(b)** (operating licences), for “the Streets and Buildings Regulation (Consolidation) Ordinance 1984”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

(5) In section 131(2)(a) of the Akrotiri Community Ordinance 2001**(c)** (ban on the use of theatres etc. without a licence), for “the Streets and Buildings Ordinance”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

(6) In the Fire Service Ordinance**(d)**—

(a) in section 2 (interpretation), in the definition of “building”, for “the Streets and Buildings (Consolidation) Ordinance 1984”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”; and

(b) in section 9(2)(a) (fire hydrants), for “the Streets and Buildings (Consolidation) Ordinance 1984” substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

(7) In section 2 of the Environmental Impact Assessment Ordinance 2010**(e)** (interpretation), in the definition of “building permit”, for “section 3 of the Streets and Buildings Regulation (Consolidation) Ordinance” substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

(8) In section 45(4)(a) of the Overlapping Municipalities Ordinance 2011**(f)** (theatres etc. not to be used without a licence), for “the Streets and Buildings Regulation (Consolidation) Ordinance 1984”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

(9) In the Seashore Protection Ordinance 2013**(g)**—

(a) in section 2(1) (interpretation), in the definition of “building”, for “has the meaning given by section 2 of the Streets and Buildings Regulation (Consolidation) Ordinance 1984”, substitute “has the same meaning as in the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”; and

(b) in section 9(5) (buildings), for “the Streets and Buildings Regulation (Consolidation) Ordinance 1984”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”.

(10) In the Immovable Property (Tenure, Registration and Valuation) Ordinance**(h)**—

(a) in the opening text of section 29(8)**(i)** (partition of immovable property held in undivided shares), for “the Streets and Buildings Regulation (Consolidation) Ordinance”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”;

(b) in section 29(8)(b), for “the Streets and Buildings Regulation (Consolidation) Ordinance”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022,”;

(a) Ordinance 2/1999, which has been amended in ways not relevant to this Ordinance.

(b) Ordinance 14/2000.

(c) Ordinance 23/2001, which has been amended in ways not relevant to this Ordinance.

(d) Ordinance 4/2010, which has been amended in ways not relevant to this Ordinance.

(e) Ordinance 26/2010, which has been amended in ways not relevant to this Ordinance.

(f) Ordinance 20/2011, which has been amended in ways not relevant to this Ordinance.

(g) Ordinance 10/2013, which has been amended in ways not relevant to this Ordinance.

(h) Cap. 224. Laws of Cyprus 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK S.I. 1960/1369). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

(i) Subsection 8 was inserted by Ordinance 14/1990.

- (c) in section 38A(a) (interpretation of Part 2A) for the definition of “appropriate authority” substitute—
 - ““appropriate authority” means the appropriate authority for the purposes of the Streets and Buildings Law (Cap. 96) of the Republic, as applied in the Areas by the Building Standards (Adoption) Ordinance 2022;”;
- (d) in section 38F(9) (ownership), for “the Streets and Buildings Regulation (Consolidation) Ordinance 1984”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”;
- (e) in section 65B(4)(d)(b) (registration of certain leases), for “the Streets and Buildings Regulation Ordinance”, substitute “the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022”;
- (f) in section 65V(1)(c) (application and interpretation of Part 3D)—
 - (i) omit the definition of the “1984 Ordinance”,
 - (ii) in the definition of “building permit”, for “has the meaning given in the 1984 Ordinance”, substitute “has the same meaning as in the Streets and Buildings Law”, and
 - (iii) after the definition of “note of irregularity” insert—
 - ““Streets and Buildings Law means the Streets and Buildings Law of the Republic (Cap. 96), as applied in the Areas by the Building Standards (Adoption) Ordinance 2022;”;
- (g) in the following provisions of Part 3D (updating of registration), for “the 1984 Ordinance” substitute “the Streets and Buildings Law”—
 - (i) in section 65V(1), the definition of “appropriate authority”,
 - (ii) section 65X(4)(e) (power to direct updating of registration), and
 - (iii) section 65Z2 (2) (note of irregularity).

SCHEDULE

Section 18

Streets and Buildings Law Fees

PART 1

Functions normally exercisable by the District Office

Preliminary

1.—(1) This Part applies where functions corresponding to the functions designated by section 17(3) as general delegated functions under the Delegation of Functions to the Republic Ordinance 2007 are placed by the law or customs of the Republic on a District Officer of the Republic.

(2) When this Part applies, the fees referred to in section 18(1) are those set out in the other paragraphs of this Part.

(3) In this paragraph, “corresponding” and “placed by the law or customs of the Republic” have the same meaning as in section 6(1) of the Delegation of Functions to the Republic Ordinance 2007.

Streets

2. For the layout or construction of a street, a fee of €1.17 for every 30.5 metres or fraction thereof.

(a) Part 2A was inserted by Ordinance 28/2014.

(b) Part 3A was inserted by Ordinance 11/1984.

(c) Part 3D was inserted by Ordinance 28/2014.

Buildings

- 3.—(1) For the erection or reconstruction of a domestic or public building—
- (a) where the volume of the building does not exceed 707.9 cubic metres, a fee of €0.44 for every 28.3 cubic metres, or fraction thereof, of the volume of the building;
 - (b) where the volume of the building exceeds 707.9 cubic metres but not 1,415.8 cubic metres, a fee of €0.59 for every 28.3 cubic metres, or fraction thereof, of the volume of the building;
 - (c) where the volume of the building exceeds 1,415.8 cubic metres, a fee of €0.88 for every 28.3 cubic metres, or fraction thereof, of the volume of the building.
- (2) For additions to a domestic or public building—
- (a) a fee of €0.44 for every 28.3 cubic metres, or fraction thereof, where the volume of the additions together with the volume of the existing building does not exceed 707.9 cubic metres;
 - (b) a fee of €0.59 for every 28.3 cubic metres, or fraction thereof, where the volume of the additions together with the volume of the existing building exceeds 707.9 cubic metres but does not exceed 1,415.8 cubic metres;
 - (c) a fee of €0.88 for every 28.3 cubic metres, or fraction thereof, where the volume of the additions together with the volume of the existing building exceeds 1,415.8 cubic metres.
- (3) For the erection or reconstruction of an industrial building or additions thereto or for the alteration or repair of any domestic, industrial or public building or for the construction of a wall, earth bank, fence, paling or other construction enclosing or delimiting land, a fee at the rate of 1% of the estimated cost of the building (including fixtures affixed on the building).

Divisions

4. In respect of the division of land into plots for building purposes or the division of existing buildings—
- (a) where the land or building is divided in two, a fee of €0.59 for every 92.9 square metres of land;
 - (b) where paragraph (a) does not apply, a fee of €1.17 for every 92.9 square metres or fraction thereof of land.

PART 2

Functions normally exercisable by the Municipal Council

Preliminary

5.—(1) This Part applies where functions corresponding to the functions designated by section 17(3) as general delegated functions under the Delegation of Functions to the Republic Ordinance 2007 are placed by the law or customs of the Republic on a Municipal Council.

(2) When this Part applies, the fees referred to in section 18(1) are those set out in the other paragraphs of this Part.

(3) In this paragraph, “corresponding” and “placed by the law or customs of the Republic” have the same meaning as in section 6(1) of the Delegation of Functions to the Republic Ordinance 2007.

Streets

6. For the layout or construction of a street, a fee of is €1.17 for every 30.5 metres or fraction thereof.

Buildings

7. —(1) For the erection or reconstruction of a domestic or public building—
- (a) where the volume of the building does not exceed 707.9 cubic metres, a fee of €0.73 for every 28.3 cubic metres, or fraction thereof, of the volume of the building;
 - (b) where the volume of the building exceeds 707.9 cubic metres but not 1,415.8 cubic metres, a fee of €1.02 for every 28.3 cubic metres, or fraction thereof, of the volume of the building;
 - (c) where the volume of the building exceeds 1,415.8 cubic metres, a fee of €1.32 for every 28.3 cubic metres, or fraction thereof, of the volume of the building.
- (2) For additions to a domestic or public building—
- (a) a fee of €0.73 for every 28.3 cubic metres, or fraction thereof, where the volume of the additions together with the volume of the existing building does not exceed 707.9 cubic metres;
 - (b) a fee of €1.02 for every 28.3 cubic metres, or fraction thereof, where the volume of the additions together with the volume of the existing building exceeds 707.9 cubic metres but does not exceed 1,415.8 cubic metres;
 - (c) a fee of €1.32 for every 28.3 cubic metres, or fraction thereof, where the volume of the additions together with the volume of the existing building exceeds 1,415.8 cubic metres.
- (3) For the erection or reconstruction of an industrial building or additions thereto or for the alteration or repair of any domestic, industrial or public building or for the construction of a wall, earth bank, fence, paling or other construction enclosing or delimiting land, a fee at the rate of 1% on the estimated cost of the building (including fixtures affixed on the building).

Divisions

8. In respect of the division of land into plots for building purposes or the division of existing buildings—
- (a) where land is divided into five plots or fewer, the fee is €0.88 for every 92.9 square metres of land;
 - (b) where paragraph (a) does not apply, the fee is €2.04 for every 92.9 square metres or fraction thereof of land.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to Building Standards (Adoption) Ordinance 2022 (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. It does not form part of the Ordinance. It is not intended to be a comprehensive description.

The Ordinance

2. The Ordinance adopts three Laws of the Republic and the public instruments made under them so that they have effect in the Areas (the “adopted Laws”). The Streets and Buildings Law (Cap. 96) requires developers to obtain building permits for construction works, and sets out minimum standards for those works. The Regulation of the Energy Efficiency of Buildings Law 2006 (Law 142(I)/2006) sets out the minimum energy efficiency standards for buildings. It also sets out requirements for the energy efficiency of buildings to be publicly displayed. The Construction Products Law (Law 130(I)/2013) makes requirements in relation to construction products. The products must meet minimum standards and consumers must be provided with information about their performance. The Law operates by reference to Regulation (EU) 305/2011 of the European Parliament and the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/100/EC.

Part 1 - preliminary

3. Part 1 sets out preliminary provisions (short title, commencement, interpretation).

Part 2 – application of the Building Standards Laws

4. Part 2 contains provisions relating to the application of the adopted Laws in the Areas. Section 3(1) provides for the adopted Laws to have effect in the Areas as they do in the Republic. The adopted Laws provide for a range of criminal offences if they are not complied with, for example if works are carried out without obtaining a building permit. Prosecutions for offences committed under the adopted Laws will take place in the courts of the Areas.

5. Section 3(2) provides for certain provisions of the adopted Laws not to apply in the Areas. This includes provisions that are not relevant to the Areas or that relate to matters provided for under the Town and Country Planning Ordinance 2022. Provisions setting time limits for the appropriate authority to exercise functions do not apply in the Areas.

6. Section 4 provides for sections 6 to 8 and 10 of the Adopted Instruments (Interpretation) Ordinance 2012 (the “2012 Ordinance”) to apply in relation to the adopted Laws, to the extent that they do not contradict other modifications provided for in the Ordinance. Those sections contain general interpretative provisions. They also confer the functions contained in the adopted Laws on the Chief Officer and make them subject to general delegation to the Republic.

7. Section 5 provides for any amendments to the adopted Laws, or public instruments under them, made after the Ordinance comes into force to apply in the Areas 60 days after they come into force in the Republic. The Chief Officer may, by Order made as a public instrument, bring a provision of the adopted Laws into force before the end of this period. The Chief Officer may also modify or disapply any provision of the adopted Laws by Order made as a public instrument.

8. Under section 6 the adopted Laws do not apply to the Crown. The Administrator has the power, under section 19, to exempt Republican bodies from the Streets and Buildings Law.

9. Section 7 contains general interpretative provisions relating to the adopted Laws. In particular, it allows non-statutory documents referred to in the adopted Laws to be taken into account when the adopted Laws are interpreted or applied in the Areas.

10. Under section 8 people can only carry out certain activities in the Areas if they are qualified to do so in the Republic. Section 9 relates to requirements to use a certain form in the Republic where there is no equivalent requirement in SBA legislation. The requirement applies in the Areas and the form to be used is the one used in the Republic.

11. Section 10 provides for bodies established under the adopted Laws to exercise the same functions in the Areas as they do in the Republic.

Part 3 – application of the Energy Efficiency of Buildings Law

12. Section 11 applies to the Energy Efficiency of Buildings Law only. It allows EU legislation and other documents referred to by the Law to be taken into account when the Law is interpreted or applied in the Areas.

Part 4 – application of the Construction Products Law

13. Part 4 relates to the application of the Construction Products Law (the “Law”) only. Section 12 allows certain bodies appointed under the Law in the Republic to carry out the same role in the Areas as they do in the Republic. Section 13 provides for EU Regulation 305/2011 to apply in the Areas as it applies in the Republic for the purposes of the Law, but without creating duties or powers in the Areas in relation to EU bodies or institutions.

Part 5 – application of the Streets and Buildings Law

14. Part 5 relates to the application of the Streets and Buildings Law (the “Law”) only. The adoption of the Law replaces the Streets and Buildings Regulation (Consolidation) Ordinance 1984 (the “1984 Ordinance”).

15. Under section 14, nothing done under the Law can affect the requirement to obtain planning permission under the Town and Country Planning Ordinance 2017.

16. Section 15 provides for the Eurocodes to apply in the Areas as they do in the Republic for the purposes of the Law. The Eurocodes are a set of standards that apply across the EU.

17. Under the Law the appropriate authority, which determines applications for building permits, is a different person in different cases. Under section 16, the functions placed on the appropriate authority are deemed to be placed on the Area Officer, the appropriate authority under the 1984 Ordinance. The other functions in the Law are placed on the Chief Officer under section 3.

18. Apart from the functions referred to in section 17, the functions under the Law are subject to general delegation. Under section 17 functions relating to the administrative review of the appropriate authority’s decisions are subject to qualified delegation (sections 10E and 18 of the Law). Functions relating to making plans for the improvement of streets are also subject to qualified delegation (section 17 of the Law). When a function is subject to qualified delegation the officer of the Republic to whom it is delegated must, before exercising it, consult with the officer of the Administration on whom it is conferred.

19. Fees under the Law are set by reference to the location the application relates to in a way that is not relevant to the Areas. Section 18, and the Schedule, retain the position under the 1984 Ordinance in relation to fees.

20. The transitional provision in section 20 provides that a building permit application under the 1984 that was pending when the Ordinance came into force is unaffected by the coming into force of a development plan under the Town and Country Planning Ordinance 2022, unless the applicant elects otherwise. Section 20 complements section 94 of the latter, under which no planning permission is required in such a case. Under section 21 anything done under the 1984 Ordinance is treated as if it was done under this Ordinance. Sections 22 and 23 repeal and revoke the 1984 Ordinance and public instruments made under it. Section 24 makes consequential amendments to other legislation.