

Ordinance 15 of 2024

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**DISTRICT LOCAL GOVERNMENT
ORGANISATIONS ORDINANCE 2024**

An Ordinance to provide for the recognition of Republican district local government organisations.

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ADMINISTRATOR

28 June 2024

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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.—(1) This Ordinance may be cited as the District Local Government Organisations Ordinance 2024.

(2) This Ordinance comes into force on 1st July 2024.

Interpretation

2.—(1) In this Ordinance—

“Board” means a board of a District Local Government Organisation established in accordance with the Republican Law;

“combined sewer” means a sewer receiving both surface water and sewage;

“court” means a court as defined by the Courts (Constitution and Jurisdiction) Ordinance 2007(a);

(a) Ordinance 05/2007, to which there are amendments not relevant to this Ordinance.

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

“District Local Government Organisation” means a District Local Government Organisation established in accordance with section 3 of the Republican Law the boundaries and service area of which encompass any part of the Areas;

“immovable property” has the meaning given in section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance^(a);

“industrial waste” means the liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary sewage;

“occupier” means any person who occupies immovable property regardless of the legal basis on which that person does so;

“owner” means—

- (a) a lessee or sub-lessee of immovable property whose lease or sub-lease is registered in accordance with Part 3A of the Immovable Property (Tenure, Registration and Valuation) Ordinance,
- (b) if there is no such person in relation to an immovable property, any person entitled to be registered as owner of that immovable property whether or not that person is registered as the owner unless the immovable property is inaccessible to that person by reason of the conditions prevailing in the Island of Cyprus since 20 July 1974, or
- (c) if the immovable property is inaccessible by reason of the conditions prevailing in the Island of Cyprus since 20 July 1974, the occupier;

"recognised relevant Board" means in relation to particular premises, sewers, drains, apparatus or facilities, means the Board in whose service area the premises, sewers, drains, apparatus or facilities (as applicable) are situated;

“Republican Law” means District Local Government Law 2022^(b) of the Republic;

“sanitary sewer” means a sewer which carries sewage and to which storm, surface water and groundwater are not intentionally admitted;

“sewage treatment plant” means any arrangement of devices and structures used for treating sewage;

“storm sewer” means a sewer which carries storm and surface water and drainage but excludes sewage and polluted industrial wastes.

(2) Any reference in this Ordinance to the Republican Law includes—

- (a) any amendment made to the Law (whether made before or after this Ordinance);
- (b) any public instrument made under the Law (whether made before or after this Ordinance);
- (c) any public instrument made under a public instrument described in paragraph (b) (whether made before or after this Ordinance).

(3) Any expression used in this Ordinance shall have the meaning given in section 2 of the Republican Law except where that expression is defined in subsection (1), in which case it is that meaning that prevails.

Application to the Crown

3.—(1) Subject to the following provisions, this Ordinance does not—

- (a) bind the Crown,
- (b) apply to Crown land or any activities on Crown land, or

(a) Cap 224 (to which there are amendments not relevant to this Ordinance), Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 08/2012) provides for the interpretation of such legislation.

(b) Law 37(I)/2022.

- (c) apply to an act or omission of a person in the service of the Crown where the act is done or the omission occurs in the course of the person's discharge of the duties of such service, with the exception of any act or omission arising from the exercise of a function under this Ordinance by the Administrator, the Chief Officer or an Area Officer.

(2) A failure in respect of the performance of a function under this Ordinance by the Administrator, the Chief Officer, or an Area Officer does not confer a right of action in private law.

(3) The Administrator, by order made as a public instrument, may apply any provision in this Ordinance to the Crown, Crown land, any activity carried out on Crown land or any act or omission of a person specified in subsection (1)(c).

(4) In this section “Crown land” means land owned or occupied by the Crown other than land owned but not occupied or used, whether continuously or not, by the Crown solely in right of His Majesty’s Administration of the Areas.

PART 2

Boards

District local government organisations general functions

4.—(1) In accordance with this section, the Chief Officer may, in and in relation to the Areas, exercise any function exercisable by a Board or the District Local Government Organisation in the Republic under the Republican Law.

(2) Where a function exercisable by the Chief Officer under subsection (1) is, under any enactment of the Areas, exercisable by another person, subsection (1) takes precedence over that enactment.

(3) Subject to other provisions in this Ordinance and to the exceptions specified in subsection (4), the Republican Law applies to and has effect in the Areas as part of the law of the Areas—

- (a) only to the extent necessary for the purposes of the exercise of the functions referred to in subsection (1), and
- (b) subject to any modifications, in addition to those in subsection (8), to the Republican Law that are necessary for the exercise of those functions in the Areas.

(4) Subsection (3) does not apply to the following provisions in the Republican Law—

- (a) section 24 (carrying of water prohibited);
- (b) section 36 (mandatory connection);
- (c) section 37 (prohibition of channelling of certain types of discharge in a public sewer of a building or a public sewer);
- (d) section 39 (maintenance of private sewer);
- (e) section 40 (obligation to leave space for private sewer);
- (f) section 42 (offences regarding sewerage);
- (g) section 65 (compulsory acquisition of immovable property);
- (h) section 97 (obstruction of employees or workers);
- (i) section 99 (bribery and abuse of power).

(5) Subject to subsections (6) and (7), the power of the Chief Officer under subsection (1) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).

(6) Where the exercise of the power in subsection (1) entails the digging up of any road, pavement or other land, it is a qualified delegated function.

(a) Ordinance 17/2007.

(7) Subsection (5) does not apply where the exercise of the power in subsection (1) entails the compulsory acquisition of immovable property or the disposal of any property that has been compulsorily acquired.

(8) The application of the Republican Law in the Areas is, unless the context otherwise requires, subject to the following interpretations of references in the Republican Law, notwithstanding anything to the contrary contained in that Law—

- (a) a reference to a court is to be construed as the Resident Judge’s Court, the Senior Judges’ Court or the Compensation Assessment Tribunal as appropriate;
- (b) a reference to the Republic is to be construed as a reference to the Areas;
- (c) a reference to an area in the Republic in which a Board provides any services in accordance with the Republican Law is to be construed as that part of the Areas in which the Board has the power to provide such services in accordance with this Ordinance;
- (d) a reference to the Council of Ministers or the Minister is to be construed as the Administrator;
- (e) a reference to a District Officer is to be construed as the Area Officer for the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area as appropriate and such Area Officer has the same powers and duties as a District Officer under the Republican law;
- (f) a reference to an officer of the Republic other than a District Officer is to be construed as the officer of the Areas on whom the corresponding function is placed;
- (g) a reference to a provision in other Republican legislation is to be construed as a reference to the corresponding provision in legislation of the Areas but where there is no such corresponding provision, the provision of the Republican Law containing that reference does not have effect in the Areas.

Prohibition of establishment, maintenance and operation of water supply systems, sewerage or drainage works, or waste management facilities other than by a Board

5.—(1) No person other than a Board may establish, maintain or operate any water supply systems, sewerage or drainage works, or waste management facilities in the Areas.

(2) Any person who contravenes this section is guilty of an offence and is liable upon conviction to a fine not exceeding €3000.

PART 3

Water Supply

Water importation prohibited

6.—(1) No person may import water into the Areas or work as a water supplier unless the person is licensed by a Board to do so.

(2) A Board may withdraw a licence from any person if it has reasonable grounds to believe that any provision of the Quality of Water Intended for Human Consumption Ordinance 2002(a) is not being complied with.

(3) A person who fails to have a licence or breaches a licence in contravention with subsection (1) commits an offence and, on conviction, is liable to imprisonment not exceeding 1 year or to a fine not exceeding €2000 or to both.

(4) Where a person is convicted of an offence under subsection (3) any water works, besides those consisting of immovable property, which are used in relation to the water relevant to the commission of the offence may be seized.

(a) Ordinance 22/2002.

PART 4

Sewerage Systems

Obligations of owners to connect with sewerage and drainage works

7.—(1) Owners or occupiers of premises that abut on any street in which there is a public sewer, being either a sanitary sewer or a combined sewer, within 50 metres of the boundary line of the plot on which the premises stand must, within such period of time as is specified by the recognised relevant Board in a notice published in the Official Gazette of the Republic—

- (a) at their own expense and in accordance with a licence issued by the recognised relevant Board—
 - (i) install proper and sufficient sanitary fittings, and
 - (ii) construct a building drain and a private building sewer;
- (b) pay all costs for the construction of a public building sewer and its connection between the private building sewer and the public sewer;
- (c) discharge all sewage, water, industrial waste or other waste of such premises into the public building sewer.

(2) Owners or occupiers of premises in relation to which a public sewer is not available in accordance with subsection (1) must at their own expense—

- (a) install proper and sufficient sanitary fittings, and
- (b) connect them with a private sewage disposal system constructed in accordance with a licence issued by the recognised relevant Board.

(3) If a public sewer, being either a sanitary sewer or a combined sewer, is built within 50 metres of the boundary line of the plot on which any premises stand, owners or occupiers of the premises must, within such period of time as is specified by the recognised relevant Board in a notice published in the Official Gazette of the Republic, comply with the requirements in subsection (1) (a) to (c).

(2) An owner or occupier of any premises falling within subsection (1) who, six months after the end of the period of time specified, in accordance with that subsection, by the recognised relevant Board, has not connected the premises with a public building sewer or a public sewer, is liable to a charge, not exceeding the amount imposed on premises that have been connected to the system, for each cubic meter of water consumed by the owner or occupier, based on the reading of a water meter measuring such consumption, for as long as the premises are not connected to a public building sewer or a public sewer.

(3) Owners or occupiers of premises that abut on any street in which there is a storm sewer or combined sewer within 30 metres of the boundary line of the plot on which the premises stand must—

- (a) within such period of time as is specified by the recognised relevant Board in a notice published in the Official Gazette of the Republic, at their own expense and to the satisfaction of the recognised relevant Board, install sufficient facilities for the discharge of storm and surface water, and
- (b) in accordance with directions given by the recognised relevant Board, discharge all storm and surface water of the premises into the storm sewer or combined sewer or into a gutter or manhole on the street where the storm sewer or combined sewer is situated.

(4) Any owner or occupier who contravenes this section or any conditions in a licence issued in accordance with this section is guilty of an offence and, on conviction, is liable to a fine not exceeding €3000.

Prohibition of discharging certain matter into a public building sewer or a public sewer

8.—(1) A person must not discharge or cause to be discharged into any drain or sewer connected to a public building sewer or public sewer any matter prescribed in regulations made under the

Republican Law that, in the opinion of the District Local Government Organisation for the service area in which such sewers are located (“relevant Organisation”), is likely to—

- (a) damage either the sewers, sewage treatment process or equipment,
- (b) have an adverse effect on the free flow of its contents, or
- (c) endanger human health, cause damage to public property or constitute a nuisance.

(2) In determining whether a matter is likely to fall within subsection (1)(a) to (c), the relevant Organisation must take into account all relevant factors, including—

- (a) the quantity of the matter in relation to flows and speed of flow to the drains and in the sewers,
- (b) the materials used to construct drains and sewers,
- (c) the nature of the sewage treatment process, and
- (d) the capacity of the sewage treatment plant.

(3) The routine sewerage of private residences or lodgings is not deemed to be matter falling within subsection (1), subject to such sewage not containing large quantities of matters prescribed under subsection (1).

(4) A person who contravenes this subsection (1) is guilty of an offence and is liable upon conviction to imprisonment not exceeding 6 months or to a fine not exceeding €1000 or to both.

Obligation of owner etc. to maintain private building sewer

9.—(1) The owner or occupier of any premises with a private building sewer must properly maintain or repair the private building sewer to the satisfaction of the recognised relevant Board.

(2) The recognised relevant Board may give notice to an owner or occupier of premises falling within subsection (1) to repair the private building sewer within a specified period of time.

(3) If the owner or occupier fails to repair the private building sewer within the period of time prescribed in the notice, the recognised relevant Board may repair it.

(4) The owner or occupier is liable for all costs reasonably incurred by the recognised relevant Board under this section and such costs may be recovered as a civil debt.

Obligation of owner etc. to leave space for repairing etc. a private building sewer

10.—(1) An owner or occupier of any premises with a private building sewer must leave a space of at least 90 centimetres on all sides of the private building sewer for the purposes of cleaning, repairing or protecting it.

(2) An owner or occupier must not interfere with, cultivate or plant on or over the space referred to in subsection (1).

(3) Any person who contravenes this section is guilty of an offence and is liable upon conviction, to a fine not exceeding €3000.

Offences relating to sewerage

11.—(1) A person commits an offence and is liable, on conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding €1000 or to both such penalties, if that person, without first having obtained permission or approval from the recognised relevant Board does any of the following—

- (a) interferes with, or allows the interference with, a public sewer, building sewer, building drain or any apparatus belonging to a recognised relevant Board;
- (b) connects, or allows the connection of, a private sewer or other facility used for the disposal of sewage of a building with a public building sewer or a public sewer;
- (c) discharges, or allows the discharge of, sewage, industrial waste fluids or other polluted water into a natural outlet or storm sewer;

(d) discharges, or allows the discharge of, storm water, groundwater, surface water, subsurface drainage, cooling water or unpolluted industrial processed water into a public waste water sewer.

(2) Where an offence under subsection (1), committed by a body corporate, is committed with the consent or the connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, that officer as well as the body corporate commits that offence and is liable to the same penalties as provided for by subsection (1).

(3) The court trying a person for an offence under this section or section 7 may order the person to demolish or remove any works constructed in contravention of this section or section 7 within such period as is specified in the order within such period of time, not exceeding one month, as specified in the order.

(4) No order under subsection (3) may be made if the recognised relevant Board has issued a licence or permission for the actions referred to in subsection (1).

(5) If a person against whom an order has been made under subsection (3) fails to comply with the order within the period of time specified in the order, the recognised relevant Board may carry out the works specified in the order and the person against whom the order was made must pay any costs reasonably incurred in doing so.

(6) Costs incurred in accordance with subsection (5) are to be treated as a penalty under the Criminal Procedure Ordinance 2016(a) and payment of those costs may be enforced accordingly.

(7) Any person against whom an order has been made under subsection (3) who contravenes or fails to comply with the order is, notwithstanding that the recognised relevant Board has proceeded to carry out or has carried out any works specified in the order, guilty of an offence and, on conviction, is liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding €1000 or to both.

PART 5

Miscellaneous and Final

Compulsory acquisition of immovable property

12. If any immovable property lying in the Areas which is required for any public utility works cannot be acquired by agreement, a recognised relevant Board, in relation to the property in question, may, by resolution of a majority of not less than two-thirds of the members actually holding office, decide that the immovable property needs to be acquired for the purpose of public utility works and the provisions of the Land Acquisition Ordinance(b) shall then apply.

Judicial notice to be taken of the Republican Law

13.—(1) A court may take judicial notice of the Republican Law for the purposes of any proceedings before it.

(2) For the purposes of this section, the production of a copy of any part of the Republican Law—

- (a) contained in any printed collection of laws purported to be printed and published by an authority of the Republic,
- (b) contained in any issue of the Gazette of the Republic, or
- (c) purported to be printed by the Government Printer of the Republic, by whatever name called,

(a) Ordinance 09/2016.

(b) Cap 226, Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 08/2012) provides for the interpretation of such legislation.

is incontrovertible evidence for the purposes of the proceedings and for all purposes whatever of the due and lawful making of such law.

(3) For the purposes of this section, a version of any part of the Republican Law in the English language—

- (a) purported to be produced by any authority of the Republic,
- (b) certified as being accurate by any officer of the Administration considered by the court to have been, at the time of such certification, a competent and adequate translator into the English language from the language in which the Republican Law was published in the Republic,
- (c) given or produced in the course of the oral evidence of any person whom the court considers to be a competent translator for the purpose, or
- (d) stated orally in court or produced in writing by a Registrar or official court interpreter,

may be held by the court to be incontrovertible evidence for all purposes whatsoever that such version is the accurate English language version of the Republican Law or part of the Republican Law in question.

Bribery and abuse of power

14. For the purposes of sections 100 to 105 inclusive of the Criminal Code(a), a President and the members of a Board are considered in relation to the duties of those offices to be a person employed in the public service.

Obstruction of employees or workers of a District Local Government Organisation in their duties

15. Any person who obstructs any employee or worker of a District Local Government Organisation in the exercise of their duties under the provisions of this Ordinance commits an offence and is liable, on conviction, to a fine not exceeding €1000 or a term of imprisonment not exceeding 6 months or to both.

Prosecutions

16. Proceedings for any offence under this Ordinance may not be instituted except by or with the consent of the Attorney General and Legal Adviser.

Tax exemptions

17. The Boards are exempt from—

- (a) stamp duty payable under the Stamp Duty (Adoption of Law) Ordinance 2014(b);
- (b) payment of any tax or fee payable under the Motor Vehicle and Road Traffic (Consolidation) Ordinance 2006(c) in relation to any motor vehicle belonging to the Board;
- (c) payment of any fees or charges under the Immovable Property (Transfer and Mortgage) Ordinance 1966(d).

Repeals and revocations

18.—(1) The following Ordinances are repealed—

- (a) the Sewerage Ordinance 2008(e);

(a) Cap 154, Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 08/2012) provides for the interpretation of such legislation.

(b) Ordinance 27/2014.

(c) Ordinance 05/2006.

(d) Ordinance 16/1996.

(e) Ordinance 20/2008.

(b) the Sewerage (Amendment) Ordinance 2018**(a)**.

(2) The following public instruments are revoked—

(a) the Sewerage (Recognised Board) Order 2010**(b)**;

(b) the Sewerage (Recognised Board) Order 2021**(c)**.

(a) Ordinance 06/2018.
(b) P.I. 21/2010.
(c) P.I. 20/2021.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the District Local Government Organisations Ordinance 2024 (“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.

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.

3. The Ordinance adopts the majority of the District Local Government Law 2022 of the Republic (Law 37(I)/2022) (“the Republican Law”) save for the provisions that are set out in section 4(4). The Republican Law creates a number of District Local Government Organisation Boards (“DLGOB”) to replace a number of existing boards within the Republic delivering a variety of different functions. The Republican Law devolves to these newly established DLGOBs competences related to town planning, streets and building regulation, water supplies, sewerage, and waste, and some environmental matters.

4. The Ordinance initially confers the functions of the DLGOB on the Chief Officer and then delegates these functions back to the DLGOB, subject to the provisions of section 4 and to the extent that each DLGOB has boundaries and a service area that extends into the Areas.

5. For the provisions which the Ordinance does not adopt from the Republican Law it replicates these provisions where necessary: section 6 (a prohibition on acting as a water supplier unless a person is licensed by a DGLO); section 7 (obligations of owners to connect with sewerage and drainage works); section 8 (prohibition of discharging certain matter into a public building sewer or a public sewer); section 9 (obligation of owner etc. to maintain private building sewer); section 10 (obligation of owner etc. to leave space for repairing etc. a private building sewer); section 11 (Offences relating to sewerage); section 14 (bribery and abuse of power) and section 15 (obstruction of employees or workers of a District Local Government Organisation in their duties).

6. The Ordinance also provides in Part 5 a number of miscellaneous provisions which relate to the operation of the DLGOB in the Areas.

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