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**GAME AND WILD BIRDS (SPECIAL PROTECTION
AREA) (PROHIBITION ON PARKING) ORDER 2014**

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GAME AND WILD BIRDS (SPECIAL PROTECTION AREA) (PROHIBITION ON PARKING) ORDER 2014

The Chief Officer makes the following Order in exercise of the powers in sections 8 and 9 of the Game and Wild Birds Ordinance 2008(a).

Citation and commencement

1.—(1) This Order may be cited as the Game and Wild Birds (Special Protection Area) (Prohibition on Parking) Order 2014.

(2) This Order comes into force on the day after it is published in the Gazette.

Interpretation

2.—(1) In this Order—

“Area Officer” is the Area Officer for the Akrotiri Sovereign Base Area;

“authorised officer” means —

- (a) a police officer;
- (b) the Area Officer; or
- (c) a person who is authorised by a police officer or the Area Officer to carry out the removal, disposal or storage of a vehicle;

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

“designated area” is the part of the Special Protection Area which is coloured red and green on the map in the Schedule;

“Special Protection Area” is the Akrotiri Wetlands Special Protection Area designated under article 3(a) of the Game and Wild Birds (Special Protection Areas) Order 2010(b); and

“vehicle” includes a non-motorised vehicle such as a trailer.

(2) Where the owner of a vehicle cannot be identified or located, “owner” includes a person who the Area Officer or the Chief Officer reasonably believes is responsible for or has control of the vehicle.

Prohibited parking area

3.—(1) Subject to paragraph (2) and article 4, a person must not park a vehicle or cause a vehicle to be parked or placed in the designated area.

(2) The prohibition in paragraph (1) does not apply in relation to a vehicle if the person is parking it or causing it to be parked or placed whilst carrying out duties on behalf of the Crown.

(a) Ordinance 21/2008 as amended by Ordinances 3/2009, 17/2009, 29/2009, 34/2010 and 8/2013.

(b) P.I. 13/2010 as amended by P.I. 4/2014.

(3) A person who contravenes paragraph (1) commits an offence and is liable on conviction to a fine not exceeding €500.

(4) In addition to or instead of a fine, the Court may order 1 or more of the following—

- (a) reinstatement of the designated area, at the person's expense, to its former state;
- (b) payment to the Crown of all expenses incurred in connection with the reinstatement of the designated area;
- (c) the vehicle's removal;
- (d) payment to the Crown of all expenses incurred in connection with the vehicle's removal and storage or disposal.

Permitted parking areas

4. Parking is permitted within the designated area in those areas marked A, B and C which are coloured green on the map in the Schedule.

Removal and storage

5.—(1) Where a vehicle has been parked or placed in contravention of article 3(1), an authorised officer may carry out or arrange its removal, irrespective of whether or not court proceedings have been instituted.

(2) Subject to paragraphs (3) and (4), an authorised officer must take every reasonable measure to ensure the safe storage of the vehicle.

(3) An authorised officer may dispose of a vehicle 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 storage.

(4) An authorised officer who has stored or arranged the storage of a vehicle 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.

(5) The Crown is liable for any damage to a vehicle which was caused by the negligence of the authorised person who carried out the removal or storage.

(6) The owner of the vehicle must pay to the Crown all expenses connected with 1 or more of the following—

- (a) its removal;
- (b) its storage;
- (c) its disposal;
- (d) the reinstatement of the designated area to its former state.

(7) Where the Area Officer requests the owner in writing to pay the expenses incurred as referred to in paragraph (6) and the owner fails to pay within a reasonable period of time, the expenses are recoverable as a civil debt.

(8) At the request of a police officer, an authorised officer must deliver to the police officer a vehicle kept under the authorised officer's custody, if it is to be used as an exhibit in court proceedings.

Notification

6.—(1) The Area Officer must provide a written notice to the owner of a vehicle contravening article 3(1) informing the owner that the vehicle has been removed and stored or disposed of.

(2) If the Area Officer cannot identify or locate the owner of a vehicle which has been disposed of or stored, the Area Officer must publish a notice in the Gazette.

(3) Where the authorised officer who has carried out or arranged the removal of the vehicle is not the Area Officer, the Area Officer must comply with paragraph (1) or (2) within a reasonable time of the Area Officer being notified by the authorised officer of the removal or disposal of or storage of the vehicle.

(4) The notice under paragraph (1) or (2) must—

- (a) describe the vehicle which has been disposed of or stored including, if appropriate, the identification marks on its registration plate;
- (b) the location from where it was removed;
- (c) if a vehicle has been disposed of, the amount of the proceeds (if any) from the sale or other disposal; and
- (d) if a vehicle is stored or there are proceeds, request that the owner submits a claim in writing to the Area Officer within 1 month from the date of the notice or publication of the notice (as the case may be).

Claiming ownership

7.—(1) The owner of a stored vehicle must notify the Area Officer in writing within 1 month of the date of, or publication of, the notice if the owner wants it to be returned or claims the proceeds.

(2) Within the 1-month period under paragraph (1), a person who claims ownership of a stored vehicle or the proceeds of sale or other disposal of a vehicle must produce evidence to the Area Officer in support of the claim.

(3) Subject to a stored vehicle 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 vehicle to the owner, if the owner pays any expenses incurred as referred to in article 5(6); or
- (b) pay any proceeds to the owner, after deducting all expenses incurred as referred to in article 5(6).

(4) If the claimant does not produce evidence which satisfies the Area Officer that the claimant is the owner of the vehicle, the Area Officer must refuse the claim in writing.

(5) 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.

(6) If the Area Officer refuses the claim, no action is to be taken under paragraph (8) until the later of—

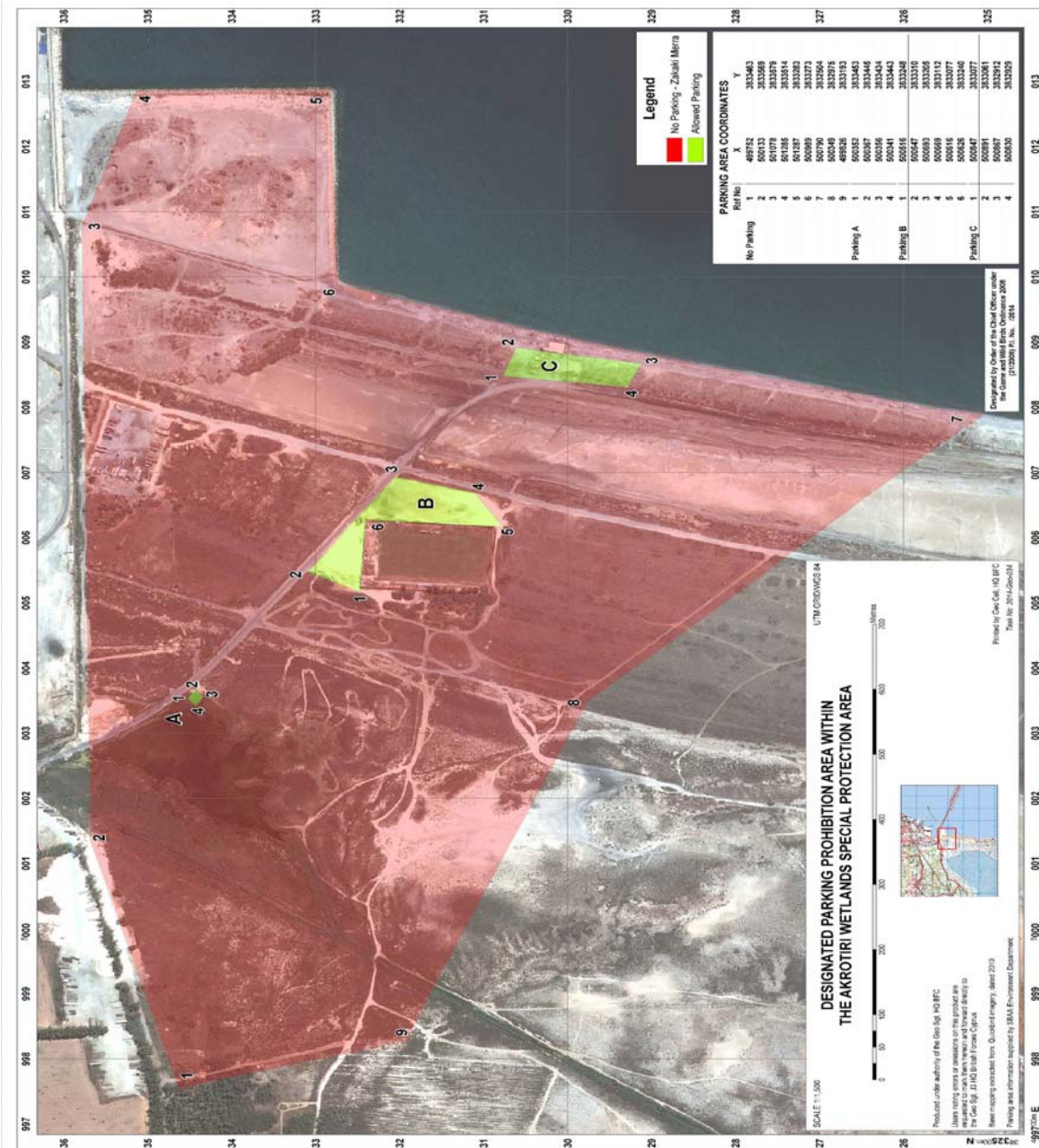
- (a) the end of the period for making the appeal; or
- (b) the Chief Officer refusing the claim in accordance with paragraph (5).

(7) If the owner of the stored vehicle 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 as referred to in article 5(6); or
- (b) pay any proceeds from the sale or disposal to the owner, once the Area Officer has deducted any expenses incurred as referred to in article 5(6).

(8) If no claim is made in accordance with paragraph (1) or a claim or appeal is made within the specified time limits but ownership is not established to the satisfaction of the Area Officer or the Chief Officer (as the case may be), the Area Officer may sell or otherwise dispose of or arrange the sale or disposal of the vehicle in such manner as the Area Officer thinks appropriate.

(9) After deducting any expenses incurred in connection with the removal, dismantling, storage, sale or other disposal of the vehicle and, if appropriate, reinstatement of the designated area, any proceeds from the sale or disposal may be used in such manner as the Chief Officer thinks appropriate.



Dated this 5 day of June 2014.

P.J. Rushbrook,
Chief Officer,
Sovereign Base Areas.

EXPLANATORY NOTE

(This note is not part of the Order)

Introduction

1. This explanatory note relates to the Game and Wild Birds (Special Protection Area) (Prohibition on Parking) Order 2014 (the “Order”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Order. It does not form part of the Order.

2. This note should be read in conjunction with the Order. It is not, and is not meant to be, a comprehensive description of the Order. So, when an article or part of an article does not seem to require any explanation or comment, none is given.

The Order

3. Article 3 prohibits the parking of vehicles in the part of the Akrotiri Wetlands Special Protection Area shown coloured red on the map in the Schedule to the Order. A vehicle includes a trailer. If convicted, the maximum fine is €500 and the court also may order the cost of reinstatement of the area and other specified costs.

4. Parking is permitted in the areas shown coloured green on the map. Parking is also permitted by those persons working for or on behalf of the Crown.

5. Under Article 5, an authorised officer, as defined in article 2 as a police officer, the Akrotiri Area Officer or a person authorised by either of them to carry out the work, may remove the vehicle. The authorised officer must store the vehicle or, if the authorised officer reasonably considers that the vehicle has been abandoned or its value is sufficiently low that it is not worth the cost of storage, may dispose of it. The vehicle’s owner must pay the costs of removal, storage or disposal, and any costs associated with the reinstatement of the area.

6. Article 6 addresses notifying the owner of the vehicle’s removal and storage or disposal. If the owner can be identified and located, the owner is sent a notice. Alternatively, a notice is placed in the Gazette. The notice must include a description of the vehicle, the location from where it was removed and, if the vehicle is stored or it is disposed of and there are proceeds, request claims of ownership to be submitted within 1 month.

7. Article 7 addresses claiming ownership of the vehicle or the proceeds of its disposal. Within the 1-month period the claimant must submit evidence of ownership to the Area Officer. If the Area Officer refuses the claim, the claimant has a further 14 days to appeal to the Chief Officer. In the event that either the Area Officer or the Chief Officer accepts the claim, the vehicle or any proceeds of its disposal are returned to the owner once the specified expenses are paid or deducted from the proceeds. If no claim is made within the 1-month period or the claim or appeal is made but refused, after specified expenses are deducted, the Chief Officer may dispose of any remaining proceeds from the sale of the vehicle as the Chief Officer thinks appropriate.

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