AN ORDINANCE
TO PROVIDE FOR THE ELIMINATION OR REDUCTION
AND CONTROL OF POLLUTION OF THE ATMOSPHERE
FROM INDUSTRIAL SOURCES, FOR THE BETTER
PROTECTION OF THE HEALTH AND WELFARE OF
THE POPULATION OF THE AREAS AND FOR THE
PROTECTION AND IMPROVEMENT OF THE
ENVIRONMENT, AND THE
FAUNA AND FLORA OF THE AREAS

A. I. RAMSAY
ADMINISTRATOR


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

PART 1
PRELIMINARY PROVISIONS

1. This Ordinance may be cited as the Control of Atmospheric

2. For the purposes of this Ordinance:-

"Chief Inspector" and "Inspector" mean the persons appointed
as such by the Chief Officer in accordance with subsection (1)
of section 21;

"existing non-registrable process" means any process already in
existence on the coming into effect of any Regulations made under
section 16 of this Ordinance which will not require registration;

"industrial premises" means any premises which house or will
house an industrial source;

"industrial source" includes:-

(a) any factory as defined in section 2 of the Factories Ordinance,
every process or plant to which the Factories Ordinance
applies in accordance with sections 69, 70, 75, 76, 76A of such
Ordinance and any premises which would have been deemed
to be a factory if persons were occupied therein as employees;

Cap.134 (Laws of
Cyprus) and
Ordinances 22/64,
12/72, 9/82, 15/89,
7/90 and 7/92.
(b) any production of coal and any work connected with the burning of plant material, cables or tyres;
(c) any plant for the production of bitumen mixtures, any installation for the storage of liquid or gas fuel and any petrol filling station;
(d) any incinerator, any work connected with the burning of solid waste by or on behalf of a local authority and any work connected with the burning of solid waste in an open site by a commercial or industrial concern;
(e) any mining or quarrying;
(f) any mobile plant or vehicle which when stationary is used for building or civil engineering works;

"operator" means the person who has the general responsibility and authority for the operation of a process;

"registrable process" means any industrial process prescribed in Regulations made under subsection (1) of section 7;

"Technical Committee" means the Technical Committee for Environmental Protection established under Schedule 1 of the Control of Water Pollution Ordinance and the provisions of that Ordinance in relation to the composition, powers and duties of the said Committee shall apply mutatis mutandis to the provisions of this Ordinance.

3. - (1) The Chief Officer, after consultation with the Technical Committee, may set quality objectives for the atmosphere of the Areas, to the degree that such are necessary or desirable for the purposes of this Ordinance.

(2) (a) Subject to paragraph (b) of this subsection, the Chief Officer or any person authorised by him for such purposes, may enter private property within the Areas in order to place therein instruments for the purposes of measuring the quality of any part of the atmosphere therein and thereafter to take recordings of the measurements made by such instruments.

(b) The power to enter property shall not extend:-
(i) to any building not used as industrial premises or in connection with industrial premises;
(ii) to the placing of an instrument which hinders or may hinder the use of the premises by the occupier;

(c) Any person who, without the authority of the Chief Officer, removes, damages or interferes with the operation of any such instrument or with any recording taken from it shall be guilty of an offence and shall be liable to a fine of one thousand pounds.

4. Nothing in this Ordinance shall give power of control over pollution by ionising radiations, subject to control by any other Ordinance.
PART II

POLLUTION OF THE ATMOSPHERE FROM INDUSTRIAL SOURCES

5. Save as in this Ordinance otherwise expressly provided, the provisions of this part of this Ordinance shall apply only to industrial sources and, unless a contrary provision is made, shall apply to all such sources.

6. Having regard to military requirements or security needs, the Administrator may by Order exempt from the operation of this part of the Ordinance any premises belonging to or occupied by the Crown in any capacity or any process carried on by or on behalf of the Crown in any capacity.

7. - (1) The Administrator may by Regulations prescribe those industrial processes which require to be registered for the purposes of this Ordinance. Registration under the Ordinance shall be for such period as may be prescribed and may be renewed for a similar period on the expiration thereof.

(2) For every such process already in existence on the coming into force of the Ordinance, an application for registration thereof shall be submitted within three months of that date.

(3) An application for registration shall be submitted to the Chief Officer in a form to be prescribed by him and shall contain such information as he may by order determine:

Provided that, where the class, type, size or other characteristics of the process or any other relevant factors revealed by the applicant are seen by him to warrant such a course of action the Chief Officer may in addition require the provision of an environmental impact study.

(3) The Chief Officer shall register or re-register a process if he is satisfied that the applicant has the plant or equipment necessary to comply with all the requirements of this Ordinance, any regulations made thereunder and any conditions he may impose upon the issue of the certificate of registration. Subject to the provisions of paragraph (a) of subsection (1) of section 8, the Chief Officer shall not issue a certificate unless he is so satisfied.

(4) On registration or re-registration of a process, the Chief Officer shall issue a certificate of registration and may attach to it conditions which, subject to paragraph (b) of subsection (1) of section 8, shall be complied with in the operation of the process. Such conditions may refer to:

(a) the technical specifications of any plant or equipment used in the process;

(b) the maximum rates of emission in the atmosphere of any specified substance or group of substances;

(c) the equipment to be installed and used for the purpose of preventing substances from being emitted in the atmosphere or to render them harmless prior to their emission in the atmosphere;

(d) the equipment to be installed and used for the purpose of measuring the concentration and the rate of emission or total quantity of any substance which is emitted in the atmosphere at any given time;
(c) reasonable facilities for taking measurements and samples of any substances which are used in the process or are emitted therefrom in the atmosphere.

(5) The Chief Officer may publish standard conditions for any class of registered processes situated in any specified location in the Areas and may attach such conditions to the registration certificate of any such process within the specified location.

(6) The procedure to be observed by the Chief Officer when imposing conditions upon the issue of a certificate of registration, including any standard conditions, shall be in accordance with the First Schedule.

(7) Notwithstanding the provisions of any other Ordinance, the studies and design drawings for any plant which is a registrable process, shall be submitted to the Chief Officer for the purpose of securing a registration certificate.

(8) The issue of a registration certificate shall constitute a necessary pre-condition for the grant of a building permit, but such certificate shall not bind the appropriate Authority in the exercise of its authority.

8. - (1) For any existing registrable process, the Chief Officer may:
   (a) issue a certificate of registration notwithstanding the operator does not have the plant or equipment necessary to comply with subsection (3) of section 7 of this Ordinance but may specify a period within which such plant or equipment shall be installed;
   (b) specify a period of up to five years during which the operator shall be exempt from any conditions attached to the issue of his certificate of registration.

(2) During any period specified in paragraph (b) of subsection (1), the Chief Officer may, on giving one month’s notice of his intention so to do, add new conditions or vary the conditions with which the operator shall comply on the expiry of such period.

9. - (1) Where he issues a certificate of registration, the Chief Officer shall prescribe:
   (a) the period during which, subject to section 11, there shall be no revocation of registration;
   (b) in relation to any conditions subject to which registration is made, a period during which, subject to section 11, there shall be no variation of or addition to such conditions.

(2) The periods provided for in subsection (1) of this section may exceed the period for which the process is registered.

10. - (1) Any person who operates, or knowingly permits the operation of a registrable process:
   (a) which is not registered by the Chief Officer,
   (b) in a location other than that which is specified in the certificate of registration,
   (c) in a manner which is not in accordance with any operating condition subject to which the certificate of registration is issued, is guilty of an offence.
(2) It shall be a defence in any proceedings under paragraph (c) of subsection (1) for an accused person to prove that his breach of a condition of registration was due to the act or omission of another person or to an accident or to some other cause beyond his control and that he took all reasonable precautions and exercised all due diligence either by himself, his employee or agent, to prevent the said breach and that as soon as he was aware of his failure to do so, he took all reasonable steps to remedy the said breach without delay.

(3) A person accused of an offence under subsection (1) may only rely on the defence provided in subsection (2) of this section if -

(a) at least seven days before the date of the hearing of the case against him, he gives to the prosecution in writing such information in his possession as will assist them in identifying and tracing that other person; or

(b) he has the leave of the court to rely on such defence.

(4) Any person whose act or omission is proved to have led to the commission of the offence may be prosecuted for such offence whether or not proceedings are taken against any other person liable to prosecution under subsection (1) of section 10.

(5) It shall be a defence in any proceedings under paragraphs (b) and (c) of subsection (1) for the accused to prove that he was an employee acting on instructions given to him by or on behalf of his employer and that he had no reason to believe that compliance with such instructions would lead to the commission of the offence with which he is charged.

11. - (1) The Chief Officer may at any time vary any condition under which a certificate of registration is issued either by revoking the said condition or adding to it or varying it.

(2) Where an addition is made to a condition under which a certificate of registration is issued or where such a condition is varied within a period provided for in section 9 of this Ordinance, compensation shall be paid to the operator, unless such addition or variation was made by reason of a change in circumstances which could not reasonably have been foreseen at the time when the conditions were first imposed, or amended, as the case may be. Such change in circumstances may include a change in any information available to the Chief Officer, concerning the effect or probable effect of waste emissions from the process.

(3) Where a condition is varied under the provisions of subsection (1), a further period shall be prescribed during which, subject to the provisions of this section, no further variation shall be made without the payment of compensation in accordance with subsections (2) and (5).

(4) Where a new condition is added, any period referred to in the original conditions shall be extended for such period as is reasonable to allow the operator to comply therewith.

(5) Subsection (5) of section 17 of the Control of Water Pollution Ordinance shall apply to the assessment of compensation under this section.

(6) The procedure to be observed by the Chief Officer when varying conditions shall be as prescribed in the First Schedule to this Ordinance.
12. - (1) Where an application for registration is refused, the applicant may, within twenty-one days appeal to the Administrator against such refusal on the ground that he has the plant and equipment necessary for registration.

(2) Where an application for registration is granted subject to specific conditions, the applicant may, within twenty-one days appeal to the Administrator against:

(a) any of the conditions imposed on the ground that it is not reasonable, having regard to the proposed location and any other relevant circumstances;

(b) any period prescribed in section 9 on the ground that it is unreasonably short.

(3) Where the conditions of registration are varied or added to, the applicant may, within twenty-one days, appeal to the Administrator against such variation or addition on the ground that such variation or addition is unreasonable having regard to the location, the process or any other relevant circumstances.

13. The Chief Officer shall keep a register in which shall be recorded the following matters:

(a) any application submitted for registration under section 7;

(b) any registration certificate issued by him and any conditions which may be attached to such certificates and any subsequent amendments of such conditions;

(c) the quality objectives which are set for the atmosphere of the Areas;

(d) the results of the measurements of the quality of the atmosphere, where such exceed the prescribed quality objectives;

(e) any steps taken for the restoration of the quality of the atmosphere;

(f) the dates on which the quality objectives of the atmosphere were again achieved.

14. The Chief Officer may omit from the register any information the publication of which in his opinion:

(a) may disclose a trade secret; or

(b) will be detrimental to the public interest.

15. - (1) Where an operator of a registrable process proposes to extend, modify or alter a process in a manner which may significantly affect the atmosphere, he shall apply to re-register the process.

(2) An operator may request the Chief Officer to confirm in writing that any proposed extension, modification or alteration in his process shall not be such as to necessitate a further application for registration.

(3) The Chief Officer may publish guidelines indicating those factors which in his view will significantly affect the atmosphere which he may amend from time to time. Any process which cannot be operated within such guidelines shall require to be re-registered under the provisions of this Ordinance.
(4) Where an operator of any process in respect of which a certificate of registration has been issued, extends, modifies or alters such process in such a way as adversely to affect the atmosphere without complying with the provisions of subsection (1) or subsection (2) of this section, shall commit an offence against this Ordinance.

16.- (1) The Administrator may make Regulations in respect of any process not requiring to be registered under the provisions of this Ordinance and without prejudice to the generality of this section such regulations may include:

(a) the technical specifications for any plant or equipment to be used for the purposes of eliminating or reducing emissions in the atmosphere;

(b) the maximum rates of emission in the atmosphere from the process of any substance, during any prescribed period;

(c) the limitations in the emissions from any chimney, as regards the darkness or periods during which it may be emitted;

(d) the equipment which shall be installed for the purpose of preventing specified substances from being emitted in the atmosphere;

(e) the equipment which shall be installed for the purpose of measuring the rate of emission and/or the density of any substance in the atmosphere and a requirement to submit at regular intervals, the results of such measurements.

(f) a requirement that the premises or any plant or equipment shall not be installed, unless the Chief Officer approves such premises or equipment together and the manner of its installation.

(2) Such Regulations may include transitional provisions for prescribed categories of non-registrable processes, so that during the transitional period there shall be no restrictions, or there shall be such reasonable restrictions as may be specified in the Regulations.

(3) Regulations made by the Administrator may require, for any prescribed category of non-registrable processes or for any group of non-registrable processes falling within such category, that the premises or any plant or equipment of a prescribed type, shall not be installed, unless the Chief Officer approves such premises or equipment and the manner of its installation.

(4) Regulations made under subsections (1) or (2):

(a) may specify the persons or category of persons who, in case of a contravention of a requirement of the Regulations or a prohibition imposed by or under the Regulations, shall be guilty of an offence, whether in addition to or to the exclusion of other persons or categories of persons;

(b) may authorise any Inspector to serve on an operator a notice to improve his plant or equipment if not maintained to the required standard in relation to its emissions;

(c) may provide for a specified defence to exist in proceedings for any offence under the Regulations, whether in general or in any particular circumstances;
(d) may provide for maximum terms of imprisonment not exceeding one year or a fine not exceeding three thousand pounds or to both such penalties.

17. - (1) No person shall erect any industrial premises or extend any industrial premises part of which shall comprise a chimney or use a chimney or erect a chimney to serve any industrial premises or any plant or related equipment, unless:

(a) he has first notified the Chief Inspector in a manner to be prescribed by the Chief Officer;

(b) he has received notification from the Chief Inspector in relation to the minimum height of any chimney to be erected. The Chief Inspector may by such notification restrict the use of the chimney to any particular type of process or any particular type of fuel or to a combination of both.

(2) As soon as practicable thereafter, the Chief Inspector shall forward a copy of his notification to the appropriate authority for the purposes of the Streets and Buildings Regulation (Consolidation) Ordinance.

(3) A person is guilty of an offence if he uses a chimney which has been erected after the coming into force of this Ordinance -

(a) if the height of such chimney is lower than the minimum height notified to him by the Chief Inspector under paragraph (b) of subsection (1), or

(b) if he contravenes any restrictions imposed by the Chief Inspector in such notification without obtaining his prior written consent.

18. -(1) The Administrator may by Regulations prohibit the construction, assembly or importation for use in an industrial process in the Areas of any type of plant or equipment, unless:

(a) such plant or equipment satisfies the technical specifications prescribed in the Regulations;

(b) the emissions of polluting substances from such plant or equipment do not exceed the limits prescribed in the Regulations when the plant or equipment is in continuous use.

(2) The provisions of subsection (4) of section 16 shall apply to Regulations made under this section.

19. -(1) The Administrator may by Regulations prohibit, restrict or regulate the production, supply or importation of fuels for use in an industrial process in the Areas, unless:

(a) the natural constituents or additives of such fuels do not exceed such proportions or concentrations as may be specified;

(b) such fuels contain such additives, or have been subjected to such treatment, which has the effect of limiting pollution of the atmosphere as may be specified.

(2) The provisions of subsection (4) of section 16 shall apply to Regulations made under this section.
20.- (1) Where an Inspector is of opinion that an industrial process is being operated or is about to be operated in such a way that by reason of fire, explosion or release of any toxic substance, there is a risk of serious injury to any person, he may serve on the operator, or if he is absent, on any person responsible for the operation of the plant, a notice hereinafter referred to as a "prohibition notice". A "prohibition notice" served in accordance with subsection (1) of this section:-:

(a) shall state that the Inspector is of such opinion;
(b) shall state the factors which, in the opinion of the Inspector constitute or are about to constitute the aforesaid risk;
(c) may direct those measures which shall be taken for the removal or reduction of such risk; and
(d) shall prescribe:
(i) a period at the expiry of which the process shall be stopped if the factors which constitute or are about to constitute the risk are not remedied or if any measures required under paragraph (c) above are not taken; or
(ii) where the Inspector is of opinion that the risk is imminent, the measures which shall be taken immediately for the process to be stopped as soon as practicable and not be restarted until the reasons which constitute or are about to constitute the foregoing risk are remedied and any measures required under paragraph (1) are taken.

(2) It shall be an offence for a person to fail to comply within the time specified in the notice, with any requirement contained therein.

(3) The Sovereign Base Areas Administration shall not be liable for any loss or damage caused to any person forced to comply with any notice served in good faith under the provisions of this Ordinance.

PART III - MISCELLANEOUS PROVISIONS

21.- (1) The Chief Officer may appoint a Chief Inspector and Inspectors and any other officers he may deem fit for the purpose of applying the provisions of this Ordinance.

(2) The Chief Officer may authorise qualified persons to perform the duties and exercise such powers of an Inspector as are prescribed in the authorisation. Any person so authorised shall be under the supervision of, and shall be subject to the directions of the Chief Inspector and shall receive such remuneration as may be prescribed by the Chief Officer.

(3) Officers appointed or authorised under this section shall be provided with an appropriate means of identification.

22.- (1) For the purposes of executing his duties, an Inspector may:
(a) enter any premises in which he has reasonable cause to believe that any activity or process is being or will be carried on, which is likely to lead to a breach of any provision which he has a duty to enforce;
(b) enter any premises for the purpose of exercising, on behalf of the Chief Officer, the power granted by subsection (2) of section 3;

(c) be accompanied by a police officer if he has reasonable cause to believe he may be obstructed in the course of his duty.

(d) be accompanied by a qualified person authorised under subsection (1) of section 21 to exercise the powers prescribed in the authorisation, and to take with him any equipment or materials required for the exercise of the powers of the Inspector or the qualified person;

(e) take with him any other persons who will assist him in the exercise of his powers or of the powers of the qualified person;

(f) carry out such tests and measurements which are deemed necessary for the proper exercise of his powers or arrange for such tests and measurements to be carried out by a qualified person;

(g) inspect, examine and check the operation of any plant or equipment in the premises and take such measurements and photographs as he deems necessary for the proper exercise of his powers;

(h) direct that the premises or any part thereof or any plant, equipment or substance therein, remain undisturbed for such period as it is reasonably deemed necessary for the purposes of testing, measuring, examining and checking its performance as referred to in paragraph (f) or (g), provided that compliance with such directions shall not entail the stopping or the interruption of any essential part of the industrial process;

(i) require the production for inspection of any books or documents which he has a reasonable cause to believe contain information relating to his investigation;

(j) require:

(i) the person in charge of the activity or process,

(ii) any person on the premises, and

(iii) any person he has reasonable cause to believe has been employed in the premises or in connection with the activity or process at any time during the preceding three months,

which is relevant to his investigation;

(k) seize and remove any article, or sample of any substance which may be required for the purposes of further investigation or evidence in criminal proceedings under this Ordinance;

(l) require the operator, the occupier of the premises or any of his agents or employees:
(i) to provide him with safe access to any part of the premises,

(ii) to put at his disposal any means reasonably available for carrying out any tests, inspections or examinations or for taking measurements which are deemed necessary for the purposes of the investigation.

(2) The Chief Inspector may require the provision of such access as may be necessary to enable the taking of samples or the carrying out of any tests, measurements, inspections or examinations.

23. - (1) A person commits an offence if he:

(a) obstructs an Inspector in the performance of his duties or the exercise of his powers;

(b) obstructs any police officer or qualified or other person who entered the premises with the Inspector under paragraphs (b), (c) or (d) of subsection (1) of section 22 in order to assist the Inspector;

(c) fails to comply with a direction under paragraph (h) of subsection (1) of section 22;

(d) fails to produce within a reasonable time any book or document which he is required to produce under paragraph (i) of subsection (1) of section 22, provided that it shall be a defence for an accused person to prove that -

(i) he did not know that the production of such book or document was required by the Inspector;

(ii) he has no access to such book or document;

(iii) he has no authority so to do;

(e) fails within a reasonable time to supply information required under subsection (1) of section 22 or supplies incorrect, false or incomplete information.

(f) fails when required under paragraph (1) of subsection (1) of section 22 -

(i) to provide to the Inspector or to any qualified or other person who had entered the premises with him, safe access to any part of the premises;

(ii) to put at the disposal of an Inspector or any qualified person who entered the premises with him, any means necessary for the carrying out of tests, measurements or examinations:

Provided that in each case he has the authority so to do and that the means referred to in sub-paragraph (ii) are reasonably available.

(2) Any person who -

(a) forges any certificate required under or for the purposes of this Ordinance or any Order, Regulation or Rule made thereunder, or

(b) produces or signs such a certificate knowing it to be untrue in any material fact, or
(c) knowingly produces or uses a certificate which has been forged, or
(d) produces or uses any such certificate purporting to relate to another person knowing it does not relate to such person, or
(e) impersonates a person named in such certificate, or
(f) impersonates an Inspector, or
(g) consents to any such forgery, signature, use, or impersonation, or
(h) knowingly makes a false entry in a register, book, notice, certificate or document which is required for the purposes of this Ordinance or any Order, Regulation or Rule made thereunder, or
(i) knowingly makes a false declaration or signs a declaration which is required for the purposes of this Ordinance or any Order, Regulation or Rule made thereunder which is false, or
(j) knowingly makes use of any such false entry or declaration,

shall be guilty of an offence and shall be liable to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding two years or to both such penalties.

(3) Any person who commits an offence under this Ordinance or Regulations made thereunder for which no specific penalty is provided, shall be liable to imprisonment for a term of one year or to a fine of twenty thousand pounds.

24. - (1) The Judge’s Court before which a charge has been brought against any person for an offence under sections 10, 15, 17 and 20 of this ordinance, may on ex parte application, order that any further operation of the process constituting the unlawful act for which the prosecution has been brought, should be stayed until the final determination of the case:

Provided that the issue of such order shall be subject to the provisions of the Civil Procedure Ordinance, the Courts Ordinance and the Civil Procedure Rules.

(2) Any prosecution under this Ordinance may be brought by the Area Officer, subject to the direction of the Attorney General and Legal Adviser.

(3) Any person against whom an order is made under subsection (1) of this section who fails to comply with such order, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand pounds or to both such penalties.

25. - (1) Where any person is convicted for an offence committed under sections 10, 15, 17 and 20 of the Ordinance, the Judge’s Court may, in addition to any other penalty prescribed by this Ordinance, order that the process in respect of which the offence has been committed shall cease forthwith for such period and under such terms and conditions as the Court may determine in the order.
(2) Any person against whom an order has been made under subsection (1) who fails, neglects or refuses to comply with such order shall be guilty of an offence and shall be liable to a term of imprisonment not exceeding two years or to a fine not exceeding twenty thousand pounds or to both such penalties.

26. Any person who discloses any information concerning a trade secret acquired in the course of his exercise of his powers under this Ordinance, shall be guilty of an offence except where such disclosure is made:

(a) with the consent of the operator of the process or the person entitled to use or keep such trade secret, or
(b) for the purposes of application of any provisions which by law he has a duty to apply, or
(c) for the purposes of criminal proceedings, or
(d) for the purposes of any enquiry carried out by or on behalf of the Administrator or the Chief Officer in connection with the application of any provisions he has a duty to apply.

27. Where an offence under this Ordinance is committed by a company, co-operative society or other body of persons is committed with the consent or connivance of or facilitated by any neglect of any managing consultant, chairman, director, manager, secretary or other officer of such company, co-operative society or body of persons, that officer also shall be guilty of an offence and shall be liable to prosecution and punishment in accordance with the relevant provisions of this Ordinance.

28. This Ordinance shall come into force on such date as the Administrator by notification published in the Gazette may appoint, and different dates may be appointed for different provisions.
FIRST SCHEDULE
(Sections 7 and 11)

PART I
PROCEDURE FOR CONVENING A MEETING OF THE
TECHNICAL COMMITTEE FOR THE PURPOSES OF
CONTROL OF ATMOSPHERIC POLLUTION

1. All meetings of the Technical Committee shall be convened by the president who shall, if so requested, convene an extraordinary meeting within fourteen days of any written request by any other member on the provision by that member of specific reasons therefor.

Notification of such meetings shall be sent so that they are received by members of the Committee at least seven days before the date of the meeting and shall contain details of any of the following which require to be discussed thereat:

(a) quality objectives;
(b) standard conditions;
(c) conditions for the operation of any registered process, other than standard conditions;
(d) any revocation or variation of conditions attaching to the operation of any process and any other matters requiring to be discussed.

2. Notices of such meetings, together with the matters to be discussed, shall be sent to any District Administration, Improvement Board or Municipality which may be affected thereby.

PART II
PROCEDURES CONCERNING QUALITY OBJECTIVES
AND OPERATING CONDITIONS

3. All applications for registration of processes under section 7 shall be sent to the Chief Officer.

4. - (1) Subject to the provisions of sub-paragraph (2), the Chief Officer shall have power:

(a) to set the quality objectives for the atmosphere of the Areas;
(b) to issue standard conditions and to vary them depending on the circumstances;
(c) to attach to certificates of registration issued under section 7, any conditions he considers appropriate and to make those decisions necessary to revoke any certificate of registration or to vary any conditions attaching thereto.

(2) Before exercising any of the foregoing powers other than the imposition of standard conditions already approved by the Technical Committee, the Chief Officer shall consult the said Committee.
5. - (1) The deliberations concerning the matters referred to in sub-paragraph (1) above, shall take place during a meeting of the Technical Committee. During the meeting, any member may request the president to refer the matter to the Administrator.

(2) The Administrator shall thereupon investigate the matter and make a final decision.

6. All decisions which concern the registration of a process or the imposition of operating conditions shall be sent to the applicant by the Chief Officer.

7. Where the Chief Officer decides to approve registration for a process in respect of which he intends only to impose such standard conditions as have already been approved by the Technical Committee, he may do so without further consultation with the said Committee.

3 October 1998

(196/3)

P.A. ROTHERAM,
Chief Officer.
ORDINANCE 7 OF 1998

AN ORDINANCE
TO PROVIDE FOR THE ELIMINATION OR REDUCTION AND CONTROL OF POLLUTION OF THE WATERS OF THE AREAS; FOR THE BETTER PROTECTION OF THEIR NATURAL WATER RESOURCES AND THE HEALTH AND WELFARE OF THEIR INHABITANTS AND FOR THE PROTECTION OF THEIR COMMON ENVIRONMENT AND THE FAUNA AND FLORA OF THEIR WATERS

A. I. RAMSAY
ADMINISTRATOR


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

PART I
PRELIMINARY PROVISIONS

1. This Ordinance may be cited as the Control of Water Pollution Ordinance 1998.

2. In this Ordinance -

   “Chief Inspector” and “Inspector” mean the persons appointed as such in accordance with section 27;

   “existing discharge” means an uninterrupted or regular discharge of waste for a period of at least one month during the period of twelve months immediately preceding the coming into effect of this Ordinance;

   “industrial sources” means all those sources defined as such in section 2 of the Control of Atmospheric Pollution Ordinance;

   “manager” means the person who has the general responsibility and competence for the operation of a process;

6/98
“permit” means a permit for discharge issued under sections 12 and 21;

“pollution” means any alteration in the nature or characteristics of water or any of its natural constituents or any alteration or addition of any substance carried in suspension or diluted therein so as to render the water less suitable for any purpose or less capable to support the fauna and flora to be found therein; and the expression “pollute” shall be construed accordingly;

“quality objectives” means the quality of the water in terms of natural, chemical and biological constituents, which is sought to be achieved and maintained;

“stream” means any flow of water on the surface of the ground, whether natural or artificial, but does not include any sewer vested in a local authority;

“Technical Committee” means the Technical Committee for the Protection of the Environment established under Part I of the First Schedule hereto;

“waste” includes:

(i) any substance which constitutes solid or liquid waste;

(ii) any material or object which is to be disposed of as broken, worked out, contaminated or otherwise spoiled, or other unwanted matter or object, and the terms “waste material” or “waste matter” shall be construed accordingly;

“waters” includes the territorial waters and all surface and underground waters of the Areas, as well as all waters of any dam or reservoir in the Areas, but does not include -

(a) waters in any private drain or sewer or in any sewage treatment plant;

(b) waters in any privately owned chamber, tank, pool or other container.

3. - (1) The Chief Officer, after consultation with the Technical Committee, and in accordance with the procedure set out in Part I of the First Schedule hereto may -

(a) set quality objectives so far as they are necessary or desirable for the purposes of this Ordinance for such parts of the waters of the Areas as he shall think fit;

(b) grant permits for discharges into the waters of the Areas, or into or onto the ground or underground of the Areas in accordance with sections 12 and 21.

4. Nothing in any of the provisions of this Ordinance shall give any powers of control over pollution arising from ionising radiation subject to any other Ordinance or any regulations made thereunder.
PART II

PROTECTION OF WATERS, STREAMS AND SOURCES OF WATER SUPPLY

5 - (1) A person commits an offence if he -

(a) subject to subsection (2), discharges, deposits, disposes or causes or allows the discharging, deposit or disposal into any stream or dried bed thereof or into any coastal waters, lake or dam, of any object or matter which pollutes or tends to pollute the waters thereof;

(b) deposits, or causes or allows the deposit of any object or matter in any place from which it might fall or be carried into any stream, its dried bed, or any reservoir or dam, so that it may pollute or tend to pollute the waters thereof;

(c) cuts or uproots or causes or permits the cutting or uprooting of any vegetation on or so near to the bank of a stream that there is a likelihood of it falling into the stream or dry bed thereof, so as to pollute or tend to pollute or to aggravate the pollution of that part of the stream.

(2) A person shall not be guilty of an offence under paragraph (a) of subsection (1) if the discharge, deposit or disposal was made in accordance with a permit granted by the Chief Officer under this Ordinance.

(3) (a) Subject to paragraph (c) of this subsection, it shall constitute a defence in proceedings for an offence under paragraph (b) of subsection (1) to prove that the deposit was made in the course of a good agricultural practice.

(b) The Chief Officer may by order specify any agricultural practices which shall be good agricultural practices for the purposes of this section.

(c) On a complaint made by any person of the environmental effects of the use of a good agricultural practice in any particular place, the Chief Officer, after consulting the user of that practice and such other persons as he thinks fit, may order that -

(i) the defence shall not apply to that practice in any specified place or at any specified time of year; or

(ii) the defence may apply to such place or at such time, provided that specified precautions are taken by the user of the practice.

(4) It shall be a defence in any proceedings under paragraph (a) of subsection (1) for the accused to prove that the discharge, deposit or disposal was due to some cause beyond his control, that he used all due care and diligence to forestall or prevent the commission of the offence and that as soon as he was aware of his failure to do so, he took all practicable steps to remedy the default without unreasonable delay.

(5) It shall be a defence in proceedings under paragraph (b) of subsection (1) to prove that the deposit was a deposit of waste on a site occupied by a person who held a waste disposal permit issued by the Chief Officer, that the deposit was in accordance
with the conditions of that permit and that all conditions of the permit had been met, other than the conditions concerning steps to be taken after the deposit.

(6) It shall be a defence in any proceedings for an offence under this section, for an accused person to prove that he was an employee acting under instructions given to him by or on behalf of his employer, and that he had no reason to believe that compliance with the instructions would lead to the commission of such an offence.

6. - (1) The Chief Officer may by order define areas within which the discharge onto or into the ground of liquid or semi-liquid or solid waste or any specified class of such waste shall be prohibited.

(2) It shall be an offence to cause or knowingly permit the discharge onto or into the ground of any such waste where the discharge is prohibited by an order made under subsection (1).

(3) Any person who commits an offence in contravention of subsection (2) shall be liable to a fine not exceeding three thousand pounds or to imprisonment not exceeding one year or to both such penalties.

7. - (1) For the purpose of protecting sources or potential sources of water supply for domestic use, including waters in any dam, reservoir or water distribution works, the Administrator may make regulations relating to any specified part of the Areas for the purpose of determining that:

(a) activities prescribed therein shall be carried on only with a permit issued by the Chief Officer and subject to such terms and conditions as he may reasonably impose for the protection of water sources;

(b) it shall be an offence for any person to carry on any prescribed activity in such area except under and in accordance with such permit.

(2) An applicant for a permit under subsection (1) may appeal to the Administrator with regard to:

(a) a refusal to issue a permit;

(b) any conditions to which the permit is made subject.

(3) The Administrator may:

(a) dismiss the appeal;

(b) allow the appeal against refusal to issue a permit and grant the permit under such conditions as he may deem appropriate, or allow the appeal and refer the application to the Chief Officer for the determination of suitable conditions with such directions as he deems appropriate;

(c) allow the appeal against any condition and substitute such other condition as he may deem appropriate or refer the appeal to the Chief Officer for the determination of new conditions, with any direction with regard to such conditions, as he deems appropriate.

(3) Without prejudice to the generality of subsection (1), any regulations made thereunder:-
(a) may specify the persons or classes of persons who, in the
event of a contravention of any of the regulations, whether
in addition or in substitution of other persons or classes of
persons are guilty of an offence;

(b) may provide for any specified defence to be available in
proceedings for an offence under the regulations, either
generally or in specified circumstances;

(c) may provide for penalties which shall not exceed one year
imprisonment or ten thousand pounds fine or both such
penalties.

8. - (1) Where, as a result of an offence under sections
5, 6, 7, 11 or 20 of this Ordinance any of the waters of the Areas have been
and remain polluted or any fauna or flora in such waters has been
and remain adversely affected, the Court may, in addition to any
penalties awarded, order any person convicted to take such steps as are reasonably practicable to restore the waters or the fauna and flora
thereof, or both, to their previous condition.

(2) Where a person refuses or fails to take the steps referred to
above, such action may instead be taken by the Chief Officer and
any cost occasioned thereby may be recovered as a civil debt from
the person convicted.

9. - (1) The Judge’s Court before which a charge is brought
against any person for an offence against sections
5, 6, 7, 11 or 20 of this Ordinance, may on ex parte application order that any further
activity constituting such an offence be stayed until the final
determination of the case in respect of which the charge has been
brought.

Provided that such order, with regard to the procedure and
conditions of issue, shall be subject to the provisions of the Civil
Procedure Ordinance, the Courts Ordinance and the Civil Procedure
Rules.

(2) If a person against whom an Order has been made under
subsection (1) of this section shall fail or neglect to comply with
such Order he shall be guilty of an offence and shall be liable to
imprisonment for a term not exceeding two years or to a fine not
exceeding twenty thousand pounds or to both such penalties.

PART III
POLLUTION OF WATERS BY INDUSTRIAL SOURCES
AND BY SEWAGE TREATMENT PLANTS

10. - (1) Unless otherwise provided in this Ordinance, the
provisions of this Part shall apply only to industrial sources.

(2) Having regard to the military requirements or security needs,
the Administrator may by order exempt from the operation of this
Part of the Ordinance any premises belonging to or occupied by the
Crown in any capacity or any process carried on by or on behalf of
the Crown in any capacity.

(3) Notwithstanding the provisions of any other Ordinance, the
studies and plans of any installation which comes within the meaning of industrial source, shall be submitted to the Chief Officer for the purpose of securing a permit for discharging waste.

(4) The grant of a permit for the discharge of waste shall constitute a precondition for the grant of a building permit, but such permit shall not bind the competent authority in the exercise of its powers.

11. (1) Subject to subsection (2), it shall be an offence for any person to discharge or deposit, or to cause or allow the discharge or deposit, from any industrial source or sewage treatment plant any of the following matter, into the surface waters of the Areas, or the sea water immediately abutting the foreshore thereof:

(a) any liquid waste,
(b) any liquid containing matter in suspension,
(c) any solid waste, except in accordance and under a permit granted by the Chief Officer.

(2) Notwithstanding the provisions of subsection (1) it shall not be an offence to discharge any substance into a public sewer with the permission of the competent authority.

(3) It shall be a defence in any proceedings taken under subsection (1) for the accused to prove that the discharge or deposit or the contravention of the permit was due to an act or failure by another person or to an accident or some other cause beyond his control and that he took all reasonable precautions and exercised all due diligence to avoid the contravention of his permit and that, in any event, as soon as he was aware of the contravention he took all practicable steps to remedy it without delay.

(4) A person accused of an offence under subsection (1) may only rely on the defence of an act or failure by another person providing -

(a) seven days before the date of the hearing of the case against him, he notifies the prosecution in writing of such information in his possession as will assist them in identifying and tracing that other person; or
(b) he has the leave of the Court to rely on such a defence;
(c) the other person may be charged for the offence and found guilty irrespective whether legal proceedings are filed against the original accused and notwithstanding that he may or not be found guilty.

(5) It shall be a defence in any proceedings under subsection (1) for an accused person to prove that he was an employee acting on instructions given to him by or on behalf of his employer and that he had no reason to believe that compliance with the instructions would lead to the commission of the offence with which he is charged.

(6) Where a person is convicted of an offence under subsection (1) of this section, the Judge’s Court may, in addition to any other penalty imposed, order that the operation of the establishment to which the industrial source in respect of which the offence has been committed shall cease forthwith, for such period and under such terms and conditions as the Court may see fit.
Any person against whom an order is made under subsection (6) who neglects, omits or refuses to comply with the order shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand pounds or to both such penalties.

12. -(1) Any application for a permit to discharge waste from an industrial source which is likely to cause pollution to surface water shall be made to the Chief Officer in a form to be prescribed by regulations made under this Ordinance and shall include such information as the Chief Officer may direct.

(2) The procedure for the grant of a permit to discharge waste from an industrial source shall be that prescribed in Part II of the First Schedule.

(3) A permit to discharge waste from an industrial source may be issued subject to conditions which are imposed having regard to the following:—

(a) the place and manner of discharge or deposit;
(b) the rate of discharge and the total quantity thereof at any specified period;
(c) the total quantity of any substance to be deposited;
(d) the nature, composition and any natural characteristics of the discharge or deposit;
(e) the maximum concentration of any constituent of the deposit;
(f) the temperature and acidity (in pH value) of any discharge;
(g) the access to be provided to the place of discharge for the purposes of testing samples of the discharged waste and measuring its rate of flow.

(4) The Chief Officer may by order publish standard conditions for the issue of permits to discharge waste from industrial sources and issue such permits under such conditions in relation to any part of the waters of the Areas and to any category of discharge.

(5) A permit to discharge from an industrial source shall be in a form to be prescribed in regulations made under this Ordinance and shall contain:—

(a) notice of the period during which, subject to subsection (6) of section 17, there shall be no revocation of the permit or addition of a new condition, without the payment of compensation;
(b) the period during which, subject to subsection (6) of section 17, there shall be no change in any condition without the payment of compensation.

13. After the grant of any permit to discharge industrial waste, the Chief Officer may impose additional conditions relating to the following:—

(a) the technical specifications for any plant, equipment or structure which will be used by any person causing the discharge in order to ensure compliance with the conditions of the permit in relation to the matters set out in paragraphs (b) to (f) of subsection (3) of section 12;
47

(b) the use and maintenance of the plant, equipment or structure referred to in paragraph (a);

c) the obligation to inform the Chief Officer of any change in the process by which the waste is produced;

d) any plant, equipment or structure necessary to prevent any escape of any prescribed substance or liquid waste generally into surface or underground waters;

e) the installation, operation and maintenance of equipment, at the expense of the person who causes the discharge, to ensure the continuous or regular measurement of:

(i) the rate of flow of the waste discharged,

(ii) the concentration of any specific constituent in the discharge,

(iii) the temperature,

(iv) the acidity (in pH value),

(v) the presence of any specific substance in the discharge,

(f) the obligation to submit to the Chief Officer a report containing precise details of the measurements referred to in paragraph (e),

g) the means of access to the place of discharge for the purpose of testing samples of the discharged waste and for measuring its rate of flow.

14. -(1) Where an existing discharge from an industrial source continues after the coming into effect of this Ordinance, it shall do so legally under the provisions of this section subject to conditions which correspond to the place of discharge, the rate of flow of the waste discharged, the nature, composition, temperature and acidity (in pH value) of the waste discharged during the previous twelve months. The temporary permit shall be valid until a written permit for such discharge is issued under the provisions of this Ordinance or the permission to discharge is terminated or altered by a notice issued under subsection (3) of this section.

(2) On the coming into effect of this Ordinance, the Chief Officer may by written notice require any person to whom subsection (1) of this section applies to submit to him within twenty one days an application for a permit under section 12 of this Ordinance. Any such permit granted as a result of such an application shall then apply for the period stated therein which shall be reasonable and which shall take into account the nature, characteristics and quantity of the matter discharged, its effect on the environment and any plant or equipment already installed for the processing of the waste prior to its discharge and any other plant or equipment which may be required to be installed in order to comply with the conditions of the permit.

(3) Where the Chief Officer is of the opinion that an existing discharge made by a person to whom subsection (1) applies is a hazard to the health of any person, he may by written notice require that person to terminate such discharge forthwith or remove immediately any component in the waste defined in the notice, or reduce it to an acceptable degree prior to discharge.
15. Details of any application for a permit to discharge waste from an industrial source under section 12 shall be published by way of notification in the Gazette. Such notification shall provide an opportunity for any person interested in the said application to attend at such place and such time as may be appointed to examine the particulars of the application and within twenty eight days thereafter to make any representations he may wish to the Chief Officer.

16. - (1) An applicant for a permit for discharge from an industrial source may appeal to the Administrator against:-

(a) a decision to refuse his application for the grant of such permit,

(b) any condition to which the permit is subject, and

(c) any new period of time imposed under subsections (3) and (4) of section 17.

(2) Without prejudice to the validity of any notice served under subsection (3) of section 14 any person so served may apply to the Administrator against the provisions of that notice.

(3) The Sovereign Base Areas Administration shall not be liable for any loss or damage caused to any person forced to comply with any notice served in good faith under the provisions of this Ordinance.

17. - (1) The Chief Officer may by notice served on any person who causes a discharge -

(a) revoke the permit,

(b) cancel or vary any condition of the permit,

(c) add a new condition to the permit.

(2) Revocation or variation of any permit for discharge shall be in accordance with Part II of the First Schedule.

(3) Where any condition in a permit is varied under this section the condition so varied shall contain a further period of time within which, subject to the provisions of this section no further variation may be made without the payment of compensation in accordance with subsection (5).

(4) Where an additional condition is imposed under this section any period of time specified in the original permit for the compliance with any existing conditions contained therein shall be extended for a further period to enable the applicant to comply with any condition so added.

(5) Subject to subsection (6) below, where a permit for discharge is revoked or cancelled or where a condition therein is varied or added in accordance with subsection (1) the permit holder shall be entitled to receive the following compensation:

(a) where a permit is revoked, the value of any plant or equipment installed and the value of any building erected, in accordance with the permit for discharge, which cannot be used, by reason of the revocation, by the person who causes the discharge, but no other loss which might have been caused;

(b) where a new condition has been added or an existing condition has been varied, the value of any equipment installed to satisfy the requirements of the permit, as such
equipment was prior to the variation, and which cannot be used by reason of the variation, but no other loss which might have been caused.

In each case the value shall be computed at the date of the revocation, addition or variation, deducting the value of a resale of the building, installation or equipment.

(6) The liability to pay compensation as provided for in subsection (5) of this section shall not apply where the revocation, cancellation or variation:

(a) was effected with the written consent of the permit holder,

(b) was proved to have been necessary for the protection of the environment, the fauna and flora thereof, or the health of any person, by reason of a change in circumstances which could not have been reasonably foreseen at the time the permit was granted or on the last occasion a new condition was imposed or an existing one was varied.

Any such change in circumstances may include a change in the existing scientific knowledge of the possible consequences of the discharge, or

(c) the variation to a condition was imposed under section 13 of the Ordinance and was due to a change in the method of production.

(7) A permit holder may appeal to the Administrator against:

(a) any revocation or variation of the permit to discharge;

(b) any refusal to pay compensation or against the amount of such compensation assessed under this section.

18. - (1) The Administrator may by regulations prescribe the precautions to be taken by any person who has the charge or control of any poisonous, harmful or polluting substance liable to escape from any industrial source and percolate the waters of the Areas.

(2) Such regulations may:

(a) specify the persons, or classes of person who, in the event of a contravention of the regulations, whether in addition or substitution of other persons or classes of persons, shall be deemed to be guilty of an offence;

(b) provide for any specified defence to be available in proceedings for an offence under the regulations, either generally or in specified circumstances;

(c) provide for offences and prescribe the maximum penalties for such offences in the event of being committed which shall not exceed one year imprisonment or a fine of ten thousand pounds or both such penalties.

19. -(1) The Chief Officer shall keep a register in which the following matters shall be recorded in detail:

(a) applications for permits for discharges submitted under sections 12 and 21;

(b) permits for discharges granted in writing, the conditions under which they are subject, and any subsequent variations of them;
(c) the quality objectives prescribed for different parts of the waters of the Areas;

(d) the results of sample tests and of the quality analysis of water, where these exceed the prescribed quality objectives;

(e) the steps taken for the restoration of the quality of the water;

(f) the date on which the quality objectives of the water have been again achieved.

(2) In the case of an application for a permit for discharge the Chief Officer may omit from the register the recording of any information which, in his opinion:--

(a) may disclose a trade secret;

(b) will be detrimental to the public interest.

20. - (1) Subject to any exemptions provided for in regulations made under section 22 of this Ordinance and to any restrictions imposed under section 7 thereof, any person who discharges or permits the discharge of any liquid, semi-liquid or solid waste from an industrial source onto or into the ground, shall be guilty of an offence unless the said discharge is made under and in accordance with a permit granted by the Chief Officer.

(2) Notwithstanding the provisions of subsection (1), no offence shall be committed by reason of a discharge of a liquid waste from a septic pool used only for human waste and which is approved for such purpose by the competent authority.

(3) It shall be a defence in any proceedings taken under subsection (1) for the accused to prove that the discharge or deposit or the contravention of the permit was due to an act or failure by another person or to an accident or some other cause beyond his control and that he took all reasonable precautions and exercised all due diligence to avoid the contravention of his permit and that, in any event, as soon as he was aware of the contravention he took all practicable steps to remedy it without delay.

(4) A person accused of an offence under subsection (1) may only rely on the defence of an act or failure by another person providing -

(a) seven days before the date of the hearing of the case against him, he notifies the prosecution in writing of such information in his possession as will assist them in identifying and tracing that other person; or

(b) he has the leave of the Court to rely on such a defence;

(c) the other person may be charged for the offence and found guilty irrespective whether legal proceedings are filed against the original accused and notwithstanding that he may or not be found guilty.

(5) It shall be a defence in any proceedings under subsection (1) for an accused person to prove that he was an employee acting on instructions given to him by or on behalf of his employer and that he had no reason to believe that compliance with the instructions would lead to the commission of the offence with which he is charged.
(6) Where a person is convicted of an offence under subsection (1) of this section, the Judges' Court may, in addition to any other penalty imposed, order that the operation of the establishment to which the industrial source in respect of which the offence has been committed shall cease forthwith, for such period and under such terms and conditions as the Court may see fit.

(7) Any person against whom an order is made under subsection (6) who neglects, omits or refuses to comply with the order shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand pounds or to both such penalties.

21. - (1) An application for a permit to discharge waste from an industrial source which is likely to cause pollution to ground water shall be submitted to the Chief Officer in such form and shall include such details as may be prescribed by him by order.

(2) The procedure for the grant of a permit shall be that prescribed in Part II of the First Schedule.

(3) A permit to discharge may be granted subject to conditions which are imposed having regard to the following:-

(a) the character, composition and the quantity of the intended discharge;
(b) the nature of the ground;
(c) the proximity of any surface waters and the use in which such waters may be put;
(d) any other material facts.

(4) The conditions which the Chief Officer may impose in accordance with subsection (3) may concern:-

(a) the place and manner of the discharge or deposit,
(b) the rate of discharge and the total quantity thereof at any prescribed period,
(c) the total quantity of any substance to be discharged, 
(d) the nature, composition and any natural characteristics of the discharge,
(e) the maximum concentration of any constituent of the discharge,
(f) the acidity (in pH value),
(g) the means of access to the place of discharge for testing samples of the discharged waste and measurement of its rate of flow.

(5) The Chief Officer may publish standard conditions for such permits for discharge onto or into the ground and grant such permits under the aforementioned conditions with regard to any part of the Areas and any category of discharge.

(6) The permit for discharge shall be in the prescribed form and shall contain:-

(a) the prescribed period during which, subject to section 17, there shall be no revocation of the permit or addition of a new condition, without the payment of compensation under section 17,
(b) where conditions have been imposed the period during which, subject to section 17, there shall be no change in that condition, without the payment of compensation under section 17.

22. The Administrator may make regulations to provide for the following:-

(a) to exempt any person wishing to discharge any substance of a prescribed category from the need to obtain a permit in accordance with subsection (1) of section 21 of the Ordinance either absolutely or within certain specified limits as to:-

(i) its natural characteristics,
(ii) the composition,
(iii) the total volume or quantity of the discharge as a whole or of any constituent of the discharge at any prescribed period,
(iv) the area in which such discharge is made.

(b) to prohibit the discharge into the ground of any prescribed substance or group of substances, absolutely or within specified limits as to:-

(i) the concentration of any prescribed substance in the discharge,
(ii) the total quantity discharged in any prescribed period.

23. The Chief Officer may impose additional conditions after the grant of a permit, relating to:-

(a) the technical specifications for any plant, equipment or structure which will be used by the person causing the discharge for the purposes of compliance with the conditions of the permit in relation to the matters set out in paragraphs (b) to (f) of subsection (4) of section 21;

(b) the use and maintenance of the plant, equipment or structure referred to in paragraph (a);

(c) the obligation to inform the Chief Officer in relation to any change in the method of production;

(d) any plant, equipment or structure to be used in order to prevent the escape of any prescribed substance or liquid waste generally into surface or underground waters;

(e) the installation, operation and maintenance of equipment, at the expense of the person who causes the discharge, for the continuous or regular measurement of:-

(i) the rate of flow of the waste discharged,
(ii) the concentration of any specific constituent in the discharge,
(iii) the temperature,
(iv) the acidity (in pH value),
(v) the presence of any specific substance in the discharge,
(vi) the obligation to submit to the Chief Officer a statement with the precise details of such measurements;

(f) to the means of access to the place of discharge for testing samples of the discharged waste and measurements of the rate of flow of the waste discharge.

24. An Inspector may take a sample of a discharge or any other substance at any time, and if requested by the person who causes the discharge, or his agent or employee to do so, he shall divide the sample in two parts and he shall:-

(a) give one part thereof to the person who causes the discharge, his agent or employee;

(b) submit the other part for analysis to the laboratory of the Government Chemist.

25. Sections 14, 15, 16, 17 and 19 shall apply to discharges onto or into the ground in the same manner as they apply to discharges into surface waters.

26. - (1) In relation to applications for permits for discharge under section 12 or 21 the Chief Officer may:-

(a) charge such fees as necessary to recover the cost of processing the application;

(b) charge an annual fee to recover any costs incurred in any administrative action which is necessary subsequently to comply with the provisions of this Ordinance and in particular the carrying out of measurements of the discharge while the permit is in force. Where the person who causes the discharge installs equipment for the continuous measurement and recording, either of his own volition or in accordance with a condition of his permit, the Chief Officer may return to him such amount of the annual fee as he considers reasonable.

PART IV
MISCELLANEOUS PROVISIONS

27. -(1) The Chief Officer may appoint a Chief Inspector and Inspectors and any other officers he may deem fit for the purpose of applying the provisions of this Ordinance which relate directly to discharges in the waters of the Areas.

(2) The Chief Officer may authorise qualified persons to carry out the duties and perform such powers of the Inspectors as are prescribed in the authorisation. Any such person shall be under the supervision and be subject to the directions of the Chief Inspector, and shall receive such remuneration as shall be prescribed by the Chief Officer.

(3) Officers appointed or authorised under this section shall be provided with an appropriate means of identification.

28. For the purposes of exercising his duties, an Inspector may:-

(a) enter any property about which he has reasonable cause to believe that any activity or process is carried on which may lead to a contravention of any provision which he has a duty to apply, and at any reasonable time he believes that the conducting of such process may cause imminent risk of serious harm to the person;
(b) be accompanied by qualified or other persons who shall assist him in exercising his duties;

(c) carry out such tests and measurements which are deemed necessary for the performance of his duties;

(d) inspect, examine and supervise the operation of any plant or equipment in the premises and carry out such measurements and take photographs as he may deem necessary for the performance of his duties;

(e) give directions for the premises, or any part thereof, or any plant or equipment or substance therein, shall remain in the state they are for any period he considers reasonably necessary, for the purposes of any test, measurement, examination and inspection of their operation as referred to in paragraphs (c) and (d), providing that compliance with such directions shall not entail the stoppage or interruption of any essential parts of the industrial process;

(f) request the production for inspection of any books or documents which he has reasonable cause to believe contain information relating to his investigation;

(g) require:
   (i) the person who is in charge of the process or activity,
   (ii) any person found on the premises, and
   (iii) any person the Inspector has reasonable cause to believe had been employed in the premises or had connections with the activity or process at any time in the previous three months,

to supply any information which he may be in possession of or to which he has access and which is relevant to the purpose of his investigation;

(h) seize and remove any article or take any sample of any substance which may be required for the purpose of any additional investigation or evidence in a criminal proceeding;

(i) request from the person in charge of the activity or process, or the person in occupation of the premises or any of his agents or employees who are present:-
   (i) to provide him safe access to any part of the premises,
   (ii) to place at his disposal any reasonably available means for carrying out any tests, measurements, inspections or examinations deemed necessary for the purpose of the investigation.

29. - (1) A person commits an offence if he:-

(a) obstructs an Inspector in the performance of his duties or execution of his powers;

(b) obstructs any police officer or qualified or other person who entered the premises with the Inspector, in accordance with paragraph (b) of section 31, in order to assist the Inspector;

(c) fails to comply with an instruction lawfully given to him by an Inspector under paragraph (e) of section 31;
(d) fails to produce, within a reasonable time, any book or document which he was required to produce under paragraph (f) of section 31;

(e) being a person falling within the provisions of subparagraphs (i) to (iii) of paragraph (g) of section 28, fails to provide, within a reasonable time, information lawfully requested to be given to an Inspector who acts in accordance with the aforementioned paragraph (g) or gives information which is false or incorrect or incomplete;

(f) if being one of the persons within the category of persons falling within paragraph (i) of section 28, fails, after a lawful demand by an Inspector, within a reasonable time:-

(i) to provide to the Inspector or to any other person who entered the premises with him, safe access to any part of the premises;

(ii) to place at the disposal of the Inspector or any other person who entered the premises with him any means for carrying out of tests, measurements, inspections or examinations,

provided that he has authority so to do and that the means referred to in sub-paragraph (ii) are reasonably available.

(2) Any person who:

(a) forges any certificate required under or for the purposes of this Ordinance, or any Order, Regulation or Rule made under this Ordinance, or

(b) produces or signs such a certificate knowing it to be untrue in relation to any material fact, or

(c) presents or uses a certificate knowing it to be forged or untrue in relation to any material fact, or

(d) presents or uses such certificates as relating to any person knowing that they do not relate to such person, or

(e) impersonates the person named in such certificate, or

(f) impersonates an Inspector, or

(g) knowingly consents to any such forgery, signature, use, impersonation or pretence, or

(h) knowingly makes a false entry in a register, book, notification, certificate or document required under or for the purposes of this Ordinance or any Order, Regulation or Rule made under this Ordinance, or

(i) knowingly makes a false declaration or signs a declaration required under or for the purposes of this Ordinance or any Order, Regulation or Rule made under this Ordinance, or

(j) knowingly makes use of such false entry or statement, as aforesaid,

shall be guilty of an offence and on conviction he shall be liable to a fine not exceeding one thousand pounds or to imprisonment not exceeding one year or to both such penalties.
30. The disclosure of information concerning a trade secret acquired in the course of a person's exercise of his powers under this Ordinance shall be an offence, except where such disclosure is made:-

(a) with the consent of the manager of the process or of the person who has the right to use or keep the trade secret, or

(b) for the purposes of applying any of the provisions he has a legal duty to apply, or

(c) for the purposes of criminal proceedings, or

(d) for the purposes of any investigation carried on by or on behalf of the Administrator or the Chief Officer in relation to any of the provisions he has a duty to apply.

31. -(1) Any person who contravenes or fails to comply with the provisions of this Ordinance or the Regulations made thereunder shall be guilty of an offence and, unless a different penalty is provided, shall be liable to imprisonment for one year or to a fine of twenty thousand pounds.

(2) Where an offence under this Ordinance committed by a company, co-operative society or other body of persons is committed with the consent or connivance of, or is facilitated by any neglect on the part of any executive consultant, chairman, director, secretary or other officer of the company, co-operative society or other body of persons, that officer and also the company, co-operative society or other body of persons shall be guilty of the offence and shall be liable to prosecution and punishment in accordance with the relevant provisions of the Ordinance.

32. The Control of Water Pollution Ordinance 1996 is hereby repealed without prejudice to anything done or left undone thereunder.
Technical Committee for the protection of the Environment

1. - (1) A Committee shall be established, hereinafter referred to as the "Technical Committee for the Protection of the Environment", and shall in part be composed of representatives of the following authorities of the Republic of Cyprus who shall perform their functions within the Areas under the powers delegated to them under the Powers and Duties (Officers of the Republic) Ordinance 1976:

- Ministry of Labour and Social Insurance.
- Ministry of Agriculture and Natural Resources and Environment.
- Ministry of Health.
- Ministry of Interior.
- Ministry of Communications and Works.

(2) The President of the Technical Committee shall be the Chief Officer. In the absence of the Chief Officer the Committee may elect the Area Officer to preside over a particular meeting.

2. - (1) Three members of the Committee of whom at least one must be the Chief Officer or his representative shall constitute a quorum.

(2) Any municipality affected by any proposed discharge under the provisions of this Ordinance may attend and observe at any meeting of the Committee and may be heard in respect of any objections they may have to any decision of the Committee but will not have a corresponding right to vote.

(3) All meetings of the Committee shall be convened by the President. The President shall call an extraordinary meeting within 14 days of the day a request is made to him by any member who shall state the reason therefore.

(4) Notifications in relation to meetings in which matters concerning the pollution of the waters are to be discussed shall be sent immediately so that they reach the members at least 7 days prior to the day of the meeting and shall include details in relation to:

- quality objectives,
- standard conditions,
- permit for discharge and the conditions to which such discharge shall be subject, with the exception of any condition imposed under section 13 or 23, and with the exception of any condition which corresponds to the general conditions already approved by the Committee,
- revocation or variation of a permit for discharge, with the exception of a revocation or variation concerning a condition of the permit imposed under section 13 or 23,

to be examined at the meeting, together with an indication for any other business to be conducted.
A notification of the meetings and agenda, accompanied by copies of the relevant documents shall be sent to any District Office or Municipality or Improvement Board which may be affected.

PART II
Procedures Concerning Quality Objectives and Permits for Discharge

1. All applications for permits for discharge of waste from industrial sources shall be made to the Chief Officer.

2. - (1) Subject to the provisions of sub-paragraph (2) and of paragraph 3, the Chief Officer shall have power:-
   (a) to set the quality objectives for the waters of the Areas,
   (b) to issue standard conditions concerning permits for discharge and to vary them depending on the circumstances,
   (c) to grant permits for discharge, including the conditions imposed in such permits, with the exception of conditions imposed under sections 13 and 23,
   (d) to make those decisions necessary to revoke or vary permits except in relation to revocations or variations imposed under sections 13 and 23 of the Ordinance.

   (2) Before issuing permits, imposing or varying conditions or taking any decision in relation to the foregoing, with the exception of granting permits for which general conditions have already been approved by the Committee, the Chief Officer shall consult the Committee.

3. - (1) The deliberations concerning the matters in sub-paragraph (1) of paragraph 2 shall take place in a meeting of the Technical Committee. Any member may request the President, during the meeting, to refer the matter to the Administrator.

   (2) The Administrator shall investigate the matter and shall take a final decision.

4. All decisions concerning the issue of permits for discharge or the imposition of conditions thereon shall be sent by the Chief Officer to the applicant or to the person who causes the discharge.

5. The Chief Officer may grant permits for discharge without further deliberations only on the basis of general conditions already approved by the Committee.

6. The Chief Officer may impose any conditions he deems appropriate on the basis of sections 13 and 23 without the necessity of deliberations.

3 October 1998
(121/12) P.A. ROTHERAM,
Chief Officer.

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