



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1228 of 16th November 2001
LEGISLATION

ORDINANCE 23 OF 2001

AN ORDINANCE
TO PROVIDE FOR THE ADMINISTRATION OF
AKROTIRI COMMUNITY

T.W. RIMMER
ADMINISTRATOR

16th November 2001.

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

1. This Ordinance may be cited as the Akrotiri Community Ordinance 2001. Short title.

PART I
PRELIMINARY

2. In this Ordinance unless the context otherwise requires - Interpretation.
- “community” means the Akrotiri village;
- “community services” means all the services which the Council provides to the public under this Ordinance or any other Ordinance and the Bye-laws made under this Ordinance;
- “Cross of preference” means that additional mark which by virtue of section 35 of this Ordinance an elector is entitled to mark on a ballot paper to indicate his preference for a particular candidate;
- “community limits” means the limits of Akrotiri as may be defined in this Ordinance;
- “Council” means the Community Council established under the provisions of this Ordinance;
- “domestic purposes” means the use of water for any purpose which in accordance with normal living conditions is satisfied in any house but does not include the use of water for irrigation or any trade, industry or business;
- “Group of candidates” means either a group of candidates representing a political party or a group of independent

candidates and the word "group" wherever it appears shall be construed accordingly;

"Head of community" and "deputy head of community" has the meaning defined in section 51 of this Ordinance;

"immovable property" has the meaning assigned to this term by section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance;

"member of the community" means any citizen of the Republic who is permanently resident in the community but ceases to be a member of the community if he becomes a resident of a Municipal Corporation or a member of another community;

"member of the Community Council" means the Head of the community and any elected or appointed member of the Community Council;

"occupier" means any person in actual occupation of any immovable property within the community without regard to the title under which he occupies such property or, in the case of an unoccupied property, the person entitled to the occupation thereof and includes the owner of any movable property;

"owner" means any person who is registered as owner of immovable property and includes every person who is entitled to be registered as owner of immovable property whether he is registered or not;

"officer" includes every permanent or temporary employee who is employed on a full or part-time basis by the Council;

"public office" means an office under the Crown in right of its Administration in the Sovereign Base Areas or a public office in the Republic;

"Secretary" means any person appointed by the Council to perform such duties and powers as the Council may assign to him.

PART II

MEMBERS OF THE COMMUNITY

Members of the community.

3. Every citizen of the Republic shall be a member of the Akrotiri community if he is permanently resident within its community limits.

Register of members of the community.

4.(1) A general register of the members of the Akrotiri community shall be prepared and maintained in the prescribed manner.

(2) All matters relating to the preparation and maintenance of the register of the members of the Akrotiri community, its form and any other necessary particulars shall be determined by Bye-laws made by the Council with the approval of the Chief Officer.

PART III

ESTABLISHMENT OF COMMUNITY AUTHORITY

Administration of Community.

5. Subject to the provisions of this Ordinance, the administration of all local affairs of the Akrotiri community shall be exercised by the Council established under the provisions of this Ordinance.

6. Subject to the provisions of this Ordinance or any other Ordinance, a Council is hereby established for the Akrotiri community which shall have the functions provided in this Ordinance.

Establishment of Council.

PART IV

COMMUNITY COUNCIL AND ITS ELECTION

7. (1) The Akrotiri Council shall consist of the Head of the community who shall be the chairman thereof and six members.

Composition of Council.

(2) One of the members of the Council shall be the deputy head of the community who shall be the deputy chairman of the Council and shall act for the Chairman in the temporary absence or temporary incapacity of the Chairman. The deputy head of the community shall be elected in accordance with section 51 of this Ordinance.

8. (1) The term of office of the Council shall begin on the 1st day of January following the date of its election and shall expire on the 31st day of the fifth year since its term of office began.

Term of office of Council.

(2) The validity of any act or business by the Council shall not be affected on account of a vacancy thereon and the Council shall be regarded as being legally constituted as long as the number of members thereof are not less than four.

9. (1) The right to vote shall be exercised by all the members of the community who -

Voting right.

- (a) have completed their eighteenth birthday and
- (b) are registered in the electoral list of the community.

(2) No person shall have the right to vote if under the provisions of any Ordinance or the judgement of any Court he has been deprived of such right.

(3) The exercise of the right to vote shall be compulsory.

10. (1) Any person qualified to vote may be elected as Head of the community or as a member of the Council if his name is registered in the electoral list and he has completed his twenty-fifth birthday on the day fixed for the nomination of candidates and is not subject to the following electoral disqualifications:

Qualifications of candidates etc.

- (a) He is mentally incapacitated.
- (b) He has been declared bankrupt and continues to be so.
- (c) He has been convicted during the last ten years preceding the election under the provisions of this Ordinance for any offence involving dishonesty or moral turpitude or has been deprived of the right to be elected following a Court judgement on account of any electoral offence.

(2) No person may hold the office of Head of the community or be a member of the Council who -

- (a) is the holder of a religious office;
- (b) is the holder of a public office;
- (c) holds the post of secretary, officer or employee of the Council;

- (d) after his election he has been convicted of any offence involving dishonesty or moral turpitude or has been deprived of the right to be elected following a Court judgement on account of any electoral offence;
- (e) has any contractual relationship with the Council for carrying out any works or providing any services on payment;
- (f) has been struck off the electoral list;
- (g) has not ceased to be a bankrupt.

(3) When during the term of office of any Head of the community or any member of the Council any electoral disqualification has occurred to them or anything which is inconsistent with the provisions of subsections (1) and (2) of this section, the person concerned shall cease to be Head of the community or a member of the Council, as the case may be. His post shall be declared vacant and shall be filled in accordance with the procedure provided in sections 48 and 51 of this Ordinance.

(4) The Council and the Secretary shall notify the Area Officer of any case where any electoral disqualification occurs to the Head of the community or any member of the Council under the provisions of this section.

General
Community
elections.

11. (1) A general election for the Head of the community or members of the Council shall be held every five years on a date fixed by order made by the Chief Officer in accordance with the provisions of this Ordinance:

Provided that at least one month from the date when the Chief Officer has taken such decision shall elapse until the date fixed for the holding of the election.

(2) The names of the elected Head of the community and members of the Council shall be published in the Gazette.

(3) Every poll shall be secret.

(4) Notwithstanding the provisions of subsection (1) of this section, the Administrator may when in his opinion, having regard to prevailing conditions and the public interest, direct that Council elections shall be held or not be held in the Akrotiri community. Where he directs that no elections shall be held, the Chief Officer shall appoint a Head of the community, a deputy head of the community and the remaining members of the Council and the persons so appointed shall hold office and shall exercise their functions in accordance with the provisions of this Ordinance:

Provided that if the Administrator directs that no elections shall be held in the community, he may at any time subsequently direct that elections shall be held for a Council and thereafter he shall appoint a date when such elections shall be held and such date shall be deemed to be the date appointed by the Administrator under section 15:

Provided further that the term of office of members of the Council who have been elected under the said proviso shall be the unexpired term of office of such Council.

12. A Bye-election to fill a vacant seat in the case of sections 48 and 49 shall be held on a date appointed by the Chief Officer under section 13 of this Ordinance. Bye-elections.

13. (1) As a day for the holding of a general election for the election of the Head of the community and the members of the Council any day of the month of December shall be appointed. Proclamation for elections.

(2) The holding of a Bye-election as provided by this Ordinance shall be determined by an order made by the Chief Officer and published in the Gazette under which the date appointed for the election shall be held as soon as possible and not later than 45 days since the seat of the Head of the community or a member of the Council became vacant.

(3) Notwithstanding the provisions of section 11 and subsections (1) and (2) thereof the holding of the first general election in respect of the Council shall not be ordered before December 2001.

(4) The Head of the community and the members of the Village Commission of Akrotiri who hold office on the date of coming into operation of this Ordinance shall continue to serve until the date when the term of office of the new Council shall commence under the provisions of this Ordinance.

14. The Area Officer Akrotiri shall be the Returning Officer for the purpose of the election provided for by this Ordinance. Appointment of Returning Officer.

15. (1) The Chief Officer shall, for the purposes of this election or a bye-election under this Ordinance, issue a writ of election addressed to the Returning Officer. Writ of election.

(2) A writ of election shall be in the form of Form 1 of the First Schedule and shall appoint –

- (a) the date and place at which the Returning Officer is to receive the nomination of duly qualified candidates;
- (b) the date on which a poll shall be taken if more candidates than the seats to be filled stand nominated;
- (c) the date on which the writ shall be returned to the Chief Officer.

(3) the date of nomination shall not be less than seven days before the date of the poll as appointed in the writ of election.

(4) On the issue of a writ of election notice shall be published in conspicuous places in the community of the issue of the writ, of the date of nomination, of the place and time of nomination and of the date of the poll in the form of Form 2 of the First Schedule.

16. (1) Any person qualified to be a candidate in accordance with the provisions of this Ordinance may be nominated as a candidate for the election. Nomination of candidates.

(2) Every candidate for the post of Head of the community or as a member of the Council shall be nominated by separate nomination paper in the form of Form 3 of the First Schedule which shall contain the name and surname of the candidate, his address, occupation and the number of his electoral booklet. The nomination shall be signed by two electors whose names appear in the electoral list, one as his proposer and one as his seconder. The candidate shall accept his nomination in writing.

(3) Every candidate shall at the time of nomination deliver or cause to be delivered, as provided in section 17 of this Ordinance, to the Returning Officer his nomination paper together with a declaration in writing which shall be supported by an official affirmation or sworn affidavit (hereinafter referred to as "the nomination papers") which shall state his qualifications for election. If such nomination papers are not delivered by or on behalf of the candidate at the time of nomination, the nomination shall be deemed to be void.

(4) The Returning Officer may, on any working day between the date of the issue of the writ of election and 12 o'clock noon of the date of nomination, supply forms of nomination papers to any interested person.

(5) Upon the submission of any nomination papers, there shall be deposited, in the case of a group of candidates, a sum of £50 for every candidate of the group, by or on behalf of the group, a sum of £50 in the case of an independent candidate, by or on behalf of the independent candidate, and in the case of the Head of the community candidate a sum of £100, or a receipt issued by an appropriate authority shall be attached to the nomination papers in respect of the deposit on behalf of a group of candidates or by or on behalf of the independent candidate, as the case may be, of the corresponding sum. No nomination papers shall be accepted without the deposit or the production of such receipt. If there is no contested election the above sum shall be repayable to the group of candidates, the independent candidate or the Head of the community candidate, and in the case of the death of any candidate to his lawful heirs. In the case of a contested election the above sum shall be repayable if the candidate receives at least one third of the electoral measure in the case of members of the Council or one fifth of the valid votes in the case of the Head of the community, as the case may be. In every other case such deposit shall be forfeited:

Provided that in the case of a contested election a candidate who may be elected even though he may not have received one third of the electoral measure or one fifth of the valid votes, as the case may be, such deposit shall be repayable to him.

Proceedings on nomination of candidates.

17. (1) The Returning Officer shall on the day of nomination attend at the place of nomination at the appointed time to receive the nomination papers of every candidate, which shall be delivered either by the candidate himself or his proposer or seconder.

(2) On receipt of the completed nomination papers of all candidates the Returning Officer shall forthwith publish, by posting them in a conspicuous place at the place of nomination, a notice containing the names of all candidates and the names of their proposers and seconds.

(3) The candidate nominated by each nomination paper and his proposer and seconder and one other person appointed by the candidate in writing shall be entitled to be present at the nomination proceedings. No other person except the Returning Officer and his assistants shall be entitled to attend the nomination proceedings.

Objection to nomination papers.

18. (1) Objection may be made by any person whose name appears in the electoral list to any nomination papers on all or any of the following grounds -

- (a) that the description of the candidate is insufficient to identify the candidate;
- (b) that the nomination papers do not comply with or were not delivered in accordance with the provisions of this Ordinance;
- (c) that it is apparent from the contents of the nomination papers that the candidate is not capable of being elected;
- (d) that no deposit, as provided by section 16(5), was made.

(2) Any such objection shall be in writing and shall specify the grounds on which it is based. The objection shall be delivered to the Returning Officer not later than twenty four hours after the expiration of the time appointed for the nomination.

(3) The Returning Officer shall, with the least possible delay, decide on every objection and inform the candidate and objector of his decision.

(4) The Returning Officer may of his own motion declare invalid on any of the grounds set out in subsection (1) any nomination papers and thereupon he shall inform the candidate concerned of his decision.

(5) Any decision by the Returning Officer under the provisions of this section may be questioned by an election petition, as provided in Part VI of this Ordinance.

19. (1) Candidates for election may be nominated separately or as a group.

Method of
nomination.

(2) Groups of candidates may be from one political party or from more than one co-operating party or from groups of independent candidates.

(3) No candidate may participate in more than one group.

(4) The group of candidates shall be set up by means of a declaration made to the Returning Officer on the day of nomination of candidates by the leader of the party or the governing body thereof or any representative nominated by them in the case of one party only. In the case of more than one party such declaration shall be made by the leaders of the co-operating parties or their governing bodies or the representative appointed by them and in the case of a group of independent candidates by the candidates themselves. In the case of one party such declaration shall contain the name of the party and the names of the candidates forming the group of candidates in alphabetical order of their surnames. In the case of more than one of the co-operating parties such declaration shall contain the name under which the group of candidates is to be known, the names of the parties forming the group, the names of their candidates in alphabetical order of their surnames and in the case of a group of independent candidates such declaration shall contain the name of the group and the names of the candidates forming the group in alphabetical order of their surnames.

(5) Every party or group of parties may state the emblem of the party or group of parties in the declaration referred to in subsection (4) of this section.

(6) A group of independent candidates shall be entitled to make a declaration concerning their emblem which shall be signed by all the members of the group and the use of emblems may also be made by an independent candidate or candidates by means of a declaration signed by each of them.

(7) The emblem referred to in subsections (5) and (6) of this section shall not make any reference or be similar to or an alteration of any religious emblem, or the emblem of the Republic of Cyprus or any foreign country or the photograph of any deceased senior official of the Republic.

(8) The Returning Officer may refuse to accept any proposed emblem which is contrary to subsection (7) of this section. If the emblem proposed is accepted, the group of candidates or any independent candidate who made the declaration provided in subsections (5) and (6) of this section shall be entitled to its exclusive use.

(9) In every group of candidates, the number of candidates shall not exceed the number of seats on the Council.

(10) The Returning Officer shall, on the day of nomination of candidates, publish the groups of candidates and independent candidates by a notice posted at a conspicuous place outside the place of nomination of candidates.

Withdrawal of
candidate.

20. (1) A candidate may, at any time prior to the day of the poll, or, in the case of an uncontested election, at any time before he is declared to be elected, withdraw his candidacy by giving notice in writing to that effect signed by him to the Returning Officer.

(2) The Returning Officer on receiving the notice under subsection (1) shall forthwith cause notice of such withdrawal to be posted in a conspicuous place outside the place of nomination.

(3) Nothing contained in this section shall invalidate a ballot paper containing the name of a candidate who has withdrawn or died and such ballot paper shall remain valid for the remaining candidates mentioned in it.

Death of
candidate.

21. (1) If any candidate duly nominated under the provisions of this Ordinance shall die before the close of the poll the Returning Officer shall, upon being satisfied of the fact of such death, forthwith report the fact to the Chief Officer.

(2) In every such case the election shall continue unless the number of the remaining candidates is equal to or lower than the number of seats to be filled, in which case the Returning Officer shall declare such candidate or candidates, as the case may be, to be elected and cause his or their names to be published in the Gazette.

(3) The Chief Officer may appoint some other convenient day for a bye-election to fill any vacancy not filled by reason of the death of the candidate aforesaid and all proceedings for such bye-election shall be commenced afresh:

Provided that even after the holding of the election provided in this section a seat continues to remain vacant, the proceedings provided in subsection (3) of section 22 shall be followed.

22. (1) If on the day of nomination and at the expiration of the time appointed therefor, or at any time after nomination and before the poll, no person is or remains nominated, the Returning Officer shall forthwith report the fact to the Chief Officer.

No candidate nominated.

(2) In every such case the Chief Officer shall fix some other convenient day for the bye-election and the proceedings relating to the election shall be commenced afresh.

(3) If after the holding of the election under subsection (2) the seat of the Head of the community or the seats of the members of the Council still remain vacant, as the case may be, the Returning Officer shall report the fact to the Chief Officer who may by order published in the Gazette appoint such number of persons who possess the electoral qualifications required by section 10 to fill any vacant seats.

23. If -

Uncontested election.

- (a) on the day of nomination, after the expiration of the time appointed for nomination, and after the disposal of any objections under section 18; or
- (b) as the result of a candidate withdrawing his candidacy under the provisions of section 20 at any time after nomination and prior to the day of the poll, only such number of candidates stands nominated as -
 - (i) is equal to the number of seats to be filled, the Returning Officer shall forthwith declare the nominated candidates to be elected and shall forthwith cause the names of the persons so elected to be published in the Gazette; or
 - (ii) is less than the number of seats to be filled, the Returning Officer shall forthwith declare the persons remaining nominated to be elected and cause the names of the persons so elected to be published in the Gazette and shall thereupon notify the Chief Officer who shall appoint some other convenient day for a bye-election to fill any vacancy or vacancies which remain unfilled and all proceedings with reference to the election shall be commenced afresh:

Provided that if after the holding of the election provided in sub-paragraph (ii) of this section a vacant seat continues to remain, then the proceedings provided in subsection (3) of section 52 shall be followed.

24. If on the day of nominations, after the time appointed for nomination and the disposal of any objection under section 18 more candidates stand nominated than the number of seats to be filled, the Returning Officer shall forthwith adjourn the election to enable a poll to be taken in accordance with the provisions of this Ordinance.

Adjournment of election for holding a poll.

25. The Returning Officer shall, for the purposes of holding a poll, provide a polling station in the community.

Polling station.

26. (1) The Returning Officer shall, at least four days before the day of the poll, cause to be posted at several conspicuous places within the community, a notice in the form of Form 5 of the First Schedule specifying-

Notice of poll.
First Schedule
Form 5.

- (a) the day and hours fixed for the holding of the poll;
- (b) the full names, addresses and occupations of the candidates and of their proposers and seconders; and
- (c) the situation of the polling station and a statement of the electors entitled to vote thereat.

(2) A copy of the notice specified in subsection (1) of this section shall be served on the Head of the community.

Presiding officer and polling assistants.

27. (1) The Returning Officer shall appoint such person (in this Ordinance called "the presiding officer") as he may think fit, other than a candidate, to be in charge of each polling station and control the conduct of the poll therein.

(2) The presiding officer shall give such directions as shall ensure order being kept during the poll.

(3) The presiding officer may be assisted by such polling assistants as the Returning Officer may appoint for the purpose.

(4) The Returning Officer may, if he thinks fit, preside at the polling station and the provisions of this Ordinance relating to the presiding officer shall apply to the Returning Officer.

Returning Officer to provide presiding officer with copy of electoral list.

28. The Returning Officer shall provide the presiding officer with -

- (a) a copy of the electoral list containing the names of electors entitled to vote at the polling station;
- (b) one or more ballot boxes;
- (c) a sufficient number of ballot papers; and
- (d) such other equipment which in the opinion of the Returning Officer is necessary for the purpose of the election.

Hours of polling.

29. The hours of polling shall be 7.00 o'clock before noon to noon and from 1 o'clock in the afternoon to 5 o'clock in the afternoon:

Provided that the presiding officer may in his unfettered discretion extend the time of polling to such later time as he may direct.

Facilities to be provided at polling station.

30. (1) Outside the polling station there shall be affixed in a conspicuous place by the presiding officer before the commencement of the poll a notice showing the name of each candidate, such names shall be arranged alphabetically in the order of their surnames and, if there are two or more candidates with the same surname, of their other names.

(2) It shall be the duty of the Returning Officer to provide at the polling station reasonable facilities for the electors to enable them to cast their votes screened from observation and to vote in accordance with the provisions of this Ordinance, and he shall determine, or may authorise the presiding officer to determine, in what manner such facilities shall be distributed among the electors entitled to vote at such polling station.

Persons entitled to be present on polling day at the polling station.

31. (1) There shall be present at the polling station on the day of the poll, the presiding officer and such polling assistants, not exceeding four, as the Returning Officer may nominate and any police officer on duty.

(2) A candidate may, if he thinks fit, attend in person or appoint such number of polling agents as may be approved by the Returning Officer, one of whom only may be present at the polling station at any one time during the taking of the poll.

(3) The presiding officer shall have the control and custody of the ballot box or boxes.

32. (1) In the case of a poll at the election, the votes shall be given by ballot, and the ballot of each elector shall consist of a paper or papers (in this Ordinance call "a ballot paper"). The ballot paper shall be of such form, contents and description as may be prescribed by the Returning Officer.

Poll by ballot and
ballot papers.

33. (1) Every ballot box shall be made of some durable material and shall be so constructed that the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked. The ballot box shall be of a kind to be approved by the Chief Officer.

Ballot boxes.

(2) Immediately before the commencement of the polling the presiding officer shall show every ballot box empty to such persons as may be present so that they can see that it is empty and shall then lock it and place his seal upon it in such manner as to prevent it being opened without breaking the seal and shall place it in his view for the receipt of the ballot papers and shall keep it so locked and sealed.

(3) The provisions of subsection (2) shall apply to every ballot box used during a poll and it shall be a sufficient compliance with these provisions if a ballot box, other than a ballot box used at the commencement of poll, is shown, locked up and sealed as aforesaid, before it is used.

34. (1) No person shall be admitted for voting at the polling station unless he is entitled and permitted to vote therein under the provisions of this Ordinance.

Admittance at
polling station.

(2) No person shall be entitled to vote at a polling station unless he is an elector allotted to such station.

(3) An elector at a polling station authorised to vote shall be permitted to vote at such station if he is identified by production of his electoral booklet as a person whose name is entered on the electoral list and he does not appear from the electoral list or otherwise as having already voted.

(4) The presiding officer shall keep order in the polling station and shall decide the number of electors to be admitted at a time and shall exclude any person who is not entitled to be present at the polling station.

(5) If any person misconducts himself in the polling station or fails to obey the orders of the presiding officer, he may, immediately, by order of the presiding officer be removed from the polling station by a police officer in or near that station or by any other person authorised in writing by the presiding officer to remove him, and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station. Any person so removed as aforesaid and charged with the commission at that polling station of any offence may be kept in custody until he can be brought before the Judge's Court but in any

event for not more than twenty four hours. The powers conferred in this subsection shall not be used so as to prevent any elector otherwise entitled to vote at the polling station from having an opportunity of voting at such station.

Manner of voting.

35. (1) At the election each elector entitled to vote shall, subject to the provisions of this Ordinance -

- (a) vote on one occasion only;
- (b) vote for not more candidates than the number of vacancies for members at the election;
- (c) give not more than one vote to any candidate;
- (d) where he wishes to vote for a group of candidates, be entitled to indicate his preference for a specific candidate or candidates by marking a cross of preference on the ballot paper against the name of the candidate or candidates concerned; and
- (e) mark one such cross of preference for every two members necessary to constitute the Council. A ballot paper which includes more crosses of preference than those provided in this subsection shall be deemed to be valid ignoring any cross of preference.

(2) There shall be delivered by the presiding officer, or any person acting under his authority, to each elector entitled to vote one ballot paper.

(3) Immediately before such ballot paper is delivered to the elector it shall be stamped or otherwise officially marked in the prescribed manner by the presiding officer, and the number, name and description of the elector, as stated in the electoral list, shall be called out and a mark shall be placed in the copy of the electoral list against the name of the elector to denote that he has received such ballot paper.

(4) The elector, on receiving the ballot paper, shall forthwith proceed to such place in the polling station as may be indicated by the presiding officer, or any person acting under his authority, as the place in which he shall cast his vote (hereinafter in this section referred to as "the elector's compartment") and shall there secretly mark in the prescribed manner the portion or portions of the ballot paper relating to the group of candidates or independent candidate for whom he wishes to vote and then shall place the ballot paper in the ballot box.

(5) The presiding officer, or any person authorised by him, may ask any elector if such elector understands the method of voting in accordance with this Ordinance and may, if he thinks fit, on the application of any elector, explain to the elector, in the presence of the polling agents of the candidates, if present, the method of voting in accordance with this Ordinance; but in so doing he shall carefully abstain from any action which might be construed by the elector as advice or a direction to vote for any particular candidate.

(6) The presiding officer, on the application of any elector who is incapacitated by blindness or other physical cause from voting in accordance with this Ordinance, shall in the elector's compartment secretly mark the ballot paper of such elector,

conformable with the directions of such elector as to the candidates for whom such elector wishes to vote, in accordance with this Ordinance, and shall cause such ballot paper to be placed in the ballot box.

(7) The presiding officer may at any time while a poll is proceeding take such steps as may be necessary to ensure that no elector delays unduly in the elector's compartment or in the neighbourhood of the ballot box.

(8) During the taking of the poll, the presiding officer shall cause to be exhibited outside his polling station a notice, substantially in such form as may be prescribed, giving directions for the guidance of electors in voting.

36. An elector who has inadvertently dealt with a ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in place of the ballot paper so delivered up (in this Ordinance called a "spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled by the presiding officer.

Spoilt ballot papers.

37. If a person representing himself to be a particular elector named in the electoral list applies for a ballot paper after another person has voted as such elector, the applicant shall on taking an oath or affirmation of identity, which may be administered by the presiding officer and which shall be in the form of Form 6 of the First Schedule, be entitled to receive a ballot paper and to vote in the same manner as any other elector. The presiding officer shall record particulars of any such application.

Oath or affirmation of identity. First Schedule Form 6.

38. The presiding officer shall take such steps as he may think necessary for the safe custody of the ballot boxes and ballot papers in use at his polling station on the day of the poll and for preventing all unauthorised persons from having access thereto.

Duties of presiding officer during the voting.

39. (1) No ballot paper shall be delivered to an elector after the hour fixed for the closing of the poll. But if at the hour aforesaid there is in the polling station any elector to whom a ballot paper has been delivered, such elector shall be allowed to record his vote.

Closing of the poll.

(2) The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of such of the candidates and their polling agents as attend, make up into separate packets, sealed with his own seal and the seals of the candidates or their agents if they desire to affix their seals –

- (a) the unused ballot papers in the presiding officer's possession which have not been delivered to electors under the provisions of subsection (2) of section 35;
- (b) spoilt ballot papers;
- (c) the marked copy of the electoral list; and
- (d) any other records kept by the presiding officer concerning the election.

(3) Every ballot box unopened shall be secured by the presiding officer and sealed with his seal and with the seals of such of the candidates or their agents as attend and desire to affix their seals,

in such manner that the ballot box cannot be opened and nothing can be inserted therein without breaking the seals.

(4) The presiding officer shall despatch each such packet and ballot box in safe custody to the Returning Officer.

Counting of votes.

40. (1) Each candidate may attend the counting of the votes in person or may appoint such number of agents as the Returning Officer may approve (in this Ordinance referred to as "counting agents") whose names shall be notified in writing by the candidate to the Returning Officer, to attend the counting of votes.

(2) The Returning Officer shall, as soon as practicable after completion of the poll, make arrangements for counting the votes in the presence of the candidates or their counting agents, and for this purpose shall give notice to each candidate, or if the candidate has appointed counting agents, to such agents, of the time and place at which he shall begin the counting of votes.

(3) The Returning Officer, his assistants and clerks, and the candidates and their counting agents, and no other person except with the sanction of the Returning Officer, may be present at the counting of the votes.

(4) Before the Returning Officer proceeds to count the votes he or a person authorised by him, shall in the presence of such of the candidates or their counting agents as may attend, open each ballot box and shall take out the papers therein. The votes cast in each ballot box shall be counted and recorded separately.

(5) The Returning Officer shall, so far as practicable, proceed continuously with counting the votes and shall endorse "rejected" on any ballot paper which he may reject as invalid.

(6) In any case where there is reasonable doubt as to the result of the election the Returning Officer may, either of his own motion or upon the application of a candidate or his counting agent, order a recount to be taken before making a declaration of the result of the election.

Votes to be rejected.

41. (1) The Returning Officer shall reject as invalid the following ballot papers only, namely, any ballot paper -

- (a) which has not been stamped or officially marked in the prescribed manner;
- (b) in which the elector appears to have voted for more candidates than the number of vacancies for members at the election;
- (c) which is unmarked;
- (d) containing any writing or mark by which the elector can be identified;
- (e) from which any material portion is missing; or
- (f) from which it is impossible to ascertain the elector's wishes.

(2) A ballot paper in which an elector has voted for less candidates than the number of vacancies at the election shall count for such candidates.

(3) Before rejecting a ballot paper, the Returning Officer shall show it to each candidate or his counting agent if present and hear his views thereon.

(4) The decision of the Returning Officer whether or not any ballot paper shall be rejected shall be final and shall not be questioned in any court of law.

42. The seats on the Council shall be distributed in accordance with the following provisions-

Distribution of seats.

- (a) The total number of valid votes cast shall be divided by six and the quotient arrived at, ignoring any fraction thereof, shall be the electoral measure.
- (b) Any independent candidate who received votes equal to or in excess of the electoral measure shall be given a seat on the Council.
- (c) The total number of votes polled by each group shall be divided by the electoral measure and such group shall receive as many seats as the electoral measure is contained in its electoral strength.
- (d) The seats allocated to each group as hereinbefore provided shall be occupied by those candidates in the group who have received the largest number of crosses of preference and in case of equality in accordance with the order in which they were listed in the nomination papers.
- (e) A group which contains a lesser number of candidates than the seats allocated to it under this section shall occupy such number of seats as its candidates.

43. (1) If after the distribution of seats in accordance with the provisions of section 42 of this Ordinance any unoccupied seats are available, which includes the seats which have not been allocated in accordance with section 42, the Returning Officer shall distribute the unoccupied seats as provided in the following subsections of this section.

Second distribution of seats.

(2) The distribution of the unoccupied seats shall be carried out amongst the candidates of the single parties or group of parties or group of independent candidates, regardless of whether or not they have received any seat during the first distribution in accordance with the level of unused balances.

(3) The seats allocated under the preceding subsection to every single party, or group of parties or group of candidates shall be occupied by the candidates thereof in the order in which every candidate leads in the ballot paper of the single party or group of parties or group of candidates.

44. (1) Upon the completion of the distribution of seats on the Council and the determination of the candidates elected, the Returning Officer shall forthwith publish a notice posted outside the polling station containing -

Notice of election and publication of the result.

- (a) the number of persons on the electoral list;
- (b) the number of persons who actually voted;
- (c) the number of valid ballot papers;

- (d) the number of invalid ballot papers;
- (e) the electoral strength of each group of candidates and each independent candidate, that is to say, the total of the valid votes received;
- (f) the electoral measure and the unused balances of each group of candidates following the first distribution of seats;
- (g) the names of the unsuccessful candidates in the order of votes received by them.

(2) A copy of the notice referred to above duly signed and certified by the Returning Officer shall be supplied to the Area Officer.

(3) During the term of office of the Council the Head of the community shall notify the Area Officer of any change in relation to paragraphs (f) and (g) of subsection (1) of this section.

Declaration of successful candidates.

45. (1) On the completion of the distribution of seats in accordance with the provisions of section 43 the Returning Officer shall declare the successful candidates as having been elected and shall publish their names in the Gazette.

(2) The Returning Officer shall certify by endorsement on the writ of election the return of the members elected and shall return to the Chief Officer the writ so endorsed.

Certain matters not to invalidate election.

46. Where in this Ordinance any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of the candidates or agents at the time and place appointed for the purpose shall not, if that act or thing is otherwise duly done, invalidate that act or thing.

Certain election offences.

47. (1) Every person who -

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the Returning Officer any nomination paper knowing the same to be forged; or
- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper; or
- (c) without due authority supplies any ballot paper to any person; or
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person; or
- (e) not being a person entitled under this Ordinance to be in possession of any ballot paper, has any such ballot paper in his possession; or
- (f) puts into any ballot box anything other than a ballot paper; or
- (g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or
- (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of the election; or

- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at the election; or
- (j) for the purpose of obtaining a ballot paper, makes an oath or affirmation of identity under section 37 which is false in a material particular,

shall be guilty of an offence and shall be liable upon conviction to imprisonment not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

(2) Any person convicted of an offence under subsection (1) shall, on conviction, become incapable for a period of seven years from the date of his conviction of being registered as an elector or of voting at any election under this Ordinance or any Ordinance amending or replacing this Ordinance for the time being in force.

48. (1) The seat of the Head of the community, deputy head of the community and any member of the Council shall become vacant in the case of -

Filling of vacant seat.

- (a) revocation of his election;
 - (b) his death;
 - (c) his resignation in writing to the Area Officer;
 - (d) his unjustifiable absence from the limits of the community for a period exceeding six consecutive months;
 - (e) loss of his capacity to be a member of the community after his election;
 - (f) if after his election there are any of the electoral disqualifications referred to in section 10 of this Ordinance.
- (2)(a) A seat of any member which becomes vacant for any reason shall be filled by the immediately following not elected candidate of the party, group of parties or group of independent candidates, as a candidate of which the member whose seat became vacant he had been elected, as long as he continues to belong to the same party, group of parties or group of independent candidates.
- (b) Where the candidate who follows immediately after in the order of success and has not been elected is no longer alive or does not continue to belong to the same party, group of parties or group of independent candidates at the time when the seat of any member becomes vacant, such seat shall be filled by the immediately following candidate in the order of success and not elected of the party, group of parties or group of independent candidates, as long as he continues to belong to the same party, group of parties or group of independent candidates.
 - (c) In the event that the member whose seat became vacant does not belong to the same party, group of parties or group of independent candidates to which he belonged when he was elected or in any other case where the filling of the seat of any member which became vacant cannot be done in the manner provided in this section such seat shall be filled by a bye-election:

Provided that where the vacancy has occurred during the last year of the term of office of the out-going Council, a bye-election shall be held only where the number of members has been reduced below the number of members required for a quorum to be formed.

Proceedings for
bye-election.

49. The provisions of this Ordinance regarding the proclamation and holding of elections shall, *mutatis mutandis*, apply to any bye-election.

Prohibition of
election meetings
on polling day and
immediately
preceding day.

50. (1) No person shall organise or take part in any public meeting, held for the purpose of hearing a speech or discussion upon any topic directly or indirectly connected with the election on the day of the poll or on the day immediately preceding the day of the poll.

(2) No person shall broadcast, advertise or publish any news or announcement, whether on payment or not, directly or indirectly connected with the election on the day preceding the day of the poll and in the course of the poll, with the exception of any announcements or statements made by the Returning Officer or with his authority.

(3) On the day of the poll or the day preceding the day of the poll no person may install or maintain any election staff or display or post any notices connected directly or indirectly with the election outside any polling stations.

(4) Any person who contravenes any of the provisions of subsections (1), (2) and (3) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £300 or to both such imprisonment and fine.

Election of Head
and deputy head of
the community.

51. (1) The Head of the community shall be elected either at a general or supplementary election, as the case may be, and the provisions relating to the election of the members of the Council shall apply. The election of the Head of the community shall be carried out separately by all the electors of the community on the same date as the election of the members of the Council is held. The candidate who has received the highest number of votes shall be declared as Head of the community and thereupon the provisions of section 45 of this Ordinance shall, *mutatis mutandis*, be applied by the Returning Officer.

(2) In the event of equality of votes received by two or more candidates during the election for the post of Head of the community a supplementary election shall be held between the candidates who received an equal number of votes.

(3) The Council shall be called by the Head of the community to its inaugural meeting within ten days of its election. At this meeting, which shall be chaired by the Head of the community, the Council shall elect amongst its members by secret ballot the deputy head of the community. The deputy head of the community shall hold office during the whole term of office of the Council.

(4) If for any reason whatsoever it shall not be possible to elect the deputy head of the community at its inaugural or the following meeting which shall be called at the latest within a period of 15 days since the inaugural meeting, the election of the deputy head of the

community shall be held by the Head of the community drawing lots amongst those candidates who received the highest equal number of votes.

- (5)(a) If for any reason the post of Head of the community becomes vacant it shall be filled by a bye-election and the Head of the community so elected shall hold office for the remainder of the term of office of the Council.
- (b) The bye-election under the above paragraph shall be held within a period of 45 days from the date when the post became vacant and on a date fixed by the Chief Officer:

Provided that when the post of the Head of the community falls vacant during the last year of the term of office of the out-going Head of the community no bye-election shall be held and the duties of the Head of the community shall be carried out by the deputy head of the community for the remainder of the term of office of the Council.

(6) Where the post of the deputy head of the community becomes vacant, the Council shall elect amongst its members the deputy head of the community and such member shall hold office for the remainder of the term of office of the Council. The election shall be carried out as soon as the seat of the member of the Council, which before becoming vacant was held by the deputy head of the community, has been filled.

PART V

CORRUPT AND ILLEGAL PRACTICES AND OTHER PROVISIONS RELATING TO THE ELECTION

52. Any person who at the election for the purpose of voting falsely represents himself to be some other person, whether that other person is living or dead or is a fictitious person, or applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or is a fictitious person, or having voted at such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of impersonation.

Impersonation.

53. Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at the election, or who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the vote of any elector, or thereby compels, induces or prevails upon any elector, either to give or refrain from giving his vote at the election, shall be guilty of the offence of undue influence.

Undue influence.

54. The following persons shall be deemed guilty of the offence of bribery -

Bribery.

- (a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable

- consideration to or for any elector, or to or for any person on behalf of any elector or to or for any person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at the election;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at the election;
 - (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as in this section aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member, or the vote of any elector at the election;
 - (d) every person who upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages, promises or endeavours to procure, the return of any person as a member, or the vote of any elector at the election;
 - (e) every person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at the election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at the election;
 - (f) every elector who, before or during the election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at the election;
 - (g) every person who, after the election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at the election;
 - (h) every person who directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for any candidate at the election, or on account of and as payment for his having assisted or

agreed to assist any candidate at the election, applies to such candidate, or to any agent of such candidate, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment;

- (i) every person who, directly or indirectly, by himself or by any person on his behalf, in order to induce any other person to agree to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or to endeavour to procure any office, place or employment to or from such other person, or gives or lends, or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or valuable consideration to or for any person or to or for such other person, or to or for any person on behalf of such person.

55. (1) Any person who -

- (a) commits the offence of impersonation, or aids, abets, counsels or procures the commission of the offence or impersonation; or
- (b) commits the offences of undue influence or bribery; or
- (c) makes or publishes, before or during the election, for the purpose of affecting the return of any candidate, any false statement of fact in relation to the personal character or conduct of such candidate; or
- (d) makes or publishes, before or during the election for the purpose of promoting or procuring the election of any candidate, any false statement of the withdrawal of any other candidate at such election; or
- (e) being a candidate or election agent, knowingly makes the declaration as to election expenses required by section 59 falsely,

Punishment and incapacities for corrupt practice.

shall be guilty of a corrupt practice, and shall be liable, upon conviction, in the case referred to in paragraph (a) of this subsection to imprisonment for a term not exceeding eighteen months or to a fine not exceeding one thousand pounds or to both such imprisonment and fine, and, in any other case, to imprisonment not exceeding twelve months or to a fine not exceeding seven hundred and fifty pounds or to both such imprisonment and fine.

(2) Any person who is convicted of a corrupt practice shall become incapable for a period of seven years from the date of his conviction of being registered as an elector or of voting at any election under this Ordinance, or any Ordinance amending or replacing this Ordinance for the time being in force.

(3) A prosecution for a corrupt practice shall not be instituted -

- (a) after the expiration of one month -
 - (i) in the case of an offence committed after the election, from the date of the alleged offence;

(ii) in any other case, from the date of the publication of the result of the election.

Nomination of
election agent.

56. (1) On or before the day of nomination at the election a person shall be named in writing by or on behalf of each candidate as his agent for such election (hereinafter referred to as "the election agent").

(2) A candidate may name himself as election agent, and thereupon shall, as far as circumstances admit, be subject to the provisions of this Ordinance, both as candidate and as an election agent, and any reference in this Ordinance to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) On or before the day of nomination the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the Returning Officer, and the Returning Officer shall forthwith, by affixing a notice in a conspicuous place outside his office, give public notification of the name and address of every election agent so declared.

(4) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed by the candidate himself or not, may be revoked and in the event of such revocation or of his death, whether such event is before, during or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the Returning Officer, who shall forthwith give public notification of the same in the manner aforesaid.

Person convicted
of corrupt practice
not to be election
agent.

57. No person shall be appointed election agent who has within seven years before such appointment been convicted or found guilty by any competent Court of any country of any corrupt practice under any Ordinance relating to corrupt practices at elections for the time being in force.

Certain
employment to be
illegal.

58. (1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purpose or in the capacities following-

- (a) one election agent and no more;
- (b) such number only of polling agents as may be approved by the Returning Officer;
- (c) such number only of counting agents as may be approved by the Returning Officer, to attend the counting of votes.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any person is engaged or employed in contravention of this section, either before, during or after the election, the person engaging or employing him shall be guilty of an illegal practice.

Return and
declaration
respecting election
expenses.

59. (1) Within three weeks after the date of publication of the result of the election by posting a notice in a conspicuous place within the village the election agent of every candidate at that election shall transmit to the Returning Officer a true return

(hereinafter referred to as “the return respecting election expenses”), in the form of Form 7 of the First Schedule, containing detailed statements as respects that candidate of -

First Schedule
Form 7.

- (a) all payments made by the election agent;
- (b) the amount of personal expenses, if any, paid by the candidate;
- (c) all unpaid claims, if any, of which the election agent is aware;
- (d) all money, securities and other valuable considerations received by or promised to the election agent from or by any candidate or any other person for the purpose of expenses incurred or to be incurred on account or in respect of the conduct or management of the election.

(2) The return respecting election expenses shall be signed by the election agent and shall be accompanied by a statement made by the candidate and his election agent which shall be respectively in the form of Forms 8 and 9 of the First Schedule and shall be on oath or affirmation.

First Schedule
Forms 8 and 9.

(3) The Returning Officer shall preserve all such returns and statements with the bills and vouchers relating thereto during six months next after the publication of the result of the election by posting a notice in a conspicuous place within the village and after the expiration of the said period of six months the said documents may be destroyed or returned to the candidates if application for their return is made by the candidates before they are destroyed.

(4) If any candidate or election agent fails to comply with the requirements of subsection (1) or subsection (2) he shall be guilty of an illegal practice.

60. (1) Every employer shall, on the day of the poll, allow to every elector in his employment a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such elector or impose upon or exact from him any penalty by reason of his absence during such period.

Employers to
allow employees
reasonable period
for voting.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any manner, interferes with, the granting to any elector in his employment of a reasonable period for voting, as in this section provided, shall be guilty of an illegal practice.

61. Any person who -

- (a) wilfully obstructs or interferes with any elector while on his way to vote, or while in the polling station;
- (b) in any way interrupts or impedes the election;
- (c) votes, or induces or procures any person to vote at the election, knowing that he or such other person is not entitled to vote at such election;
- (d) votes or attempts to vote on more than one occasion at the election;
- (e) in any manner infringes or attempts to infringe the secrecy of voting at the election;

Other illegal
practices.

- (f) being a person acting in an official capacity in connection with the election makes in any record, return or other document any entry which he knows or has reasonable cause to believe to be false or does not believe to be true;
- (g) being a person acting in an official capacity in connection with the election in any way actively associates himself with any candidate;
- (h) being a Returning Officer, wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate, or wilfully counts any ballot paper as being cast for any candidate which he knows or has reasonable cause to believe was not cast for such candidate;
- (i) being a person acting in an official capacity in connection with the election, wilfully neglects or refuses to perform any duty relating to such election imposed upon him by the provisions of this Ordinance;
- (j) unlawfully takes, removes or otherwise deprives any person of his electoral booklet, with the intention of preventing, or in such manner as to be likely to prevent, such person from voting at the election,

shall be guilty of an illegal practice.

62. (1) Any person who commits an illegal practice shall, upon conviction, be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

(2) Any person convicted of any illegal practice shall upon conviction become incapable for a period of seven years from his conviction of being registered as an elector or of voting at any election under this Ordinance, or any Ordinance amending or replacing this Ordinance for the time being in force.

PART VI

ELECTION PETITIONS AND OTHER CIVIL PROCEEDINGS

63. Subject to the provisions of section 68, the election of a candidate as a member shall be avoided by his conviction for any corrupt or illegal practice.

64. -(1) All questions which may arise as to the rights of any person to be or remain a member of the Council shall be determined by the Judge's Court on an election petition presented by the Attorney General and Legal Adviser or by any person entitled under section 67 to present an election petition and in accordance with the procedure laid down in this Part for the trial of an election petition and the decision of the Judge's Court on any such election petition shall be final for all intents and purposes.

(2) The Judge's Court on the hearing of a petition under this section shall have power –

- (a) to make a declaration as to the right of any person to be or remain a member of the Council, and thus as to whether the seat of any person as a member has become vacant or not, and as to whether any other person was duly elected as such member in his stead;

Punishment for conviction for illegal practice.

Avoidance by conviction for illegal practice.

Proceedings on election petitions.

(b) if any person has no right to be or remain a member, grant an injunction restraining such person from acting as such.

(3) A decision of the Judge's Court under this section shall become operative as from the date of its delivery.

(4) At the conclusion of the trial of an election petition the Judge's Court shall determine whether the member whose return or election is complained of, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Chief Officer who shall publish the same by notice in the Gazette and the return of a member for the Akrotiri community shall be confirmed or altered or the Chief Officer shall order the holding of a bye-election in the said community, as the case may require, in accordance with such certificate.

65. Subject to the provisions of section 68 the election as a whole, or the election of any candidate as a member, may be declared to be void on an election petition on any of the following grounds, which shall be proved, to the satisfaction of the Judge's Court, namely-

Avoidance of election on election petition.

- (a) that by reason of general bribery, general undue influence, or other misconduct or circumstances, whether similar to those before enumerated or not, the majority of electors were or may have been prevented from electing the candidate or candidates whom they preferred;
- (b) that there was non-compliance with the provisions of this Ordinance relating to elections, if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election;
- (c) that a corrupt practice or illegal practice was committed in connection with the election by any candidate or with his knowledge or consent or by the election agent of any candidate;
- (d) that any candidate personally engaged a person as his election agent, or other agent, knowing that such person had within seven years previous to such engagement been convicted or found guilty of a corrupt practice by a Court;
- (e) that any candidate was at the time of his election a person disqualified for election as a member; or
- (f) that an objection to any nomination papers should not have been allowed, or a declaration of the invalidity of any nomination papers should not have been made, under section 18 of this Ordinance.

66. An election petition may be presented to the Judge's Court by the Attorney General and Legal Adviser or any one or more of the following persons, namely -

Presentation of petition.

- (a) some person who voted or had a right to vote at the election to which the election petition relates;
- (b) some person claiming to have had a right to be returned or elected at such election;
- (c) some person alleging himself to have been a candidate at such election.

Relief which may be claimed.

67. All or any of the following reliefs to which the petitioner may be entitled may be claimed in an election petition, namely -

- (a) a declaration that the election is void;
- (b) a declaration that the return of any person elected was void;
- (c) a declaration that any candidate was duly elected and ought to have been returned;
- (d) where the seat is claimed for an unsuccessful candidate on the grounds that he had a majority of lawful votes, a scrutiny.

Report exonerating candidate in certain cases of corrupt and illegal practice by agents.

68. Where, upon the trial of an election petition respecting an election, or upon petition to the Judge's Court by a candidate, the Judge reports that a candidate at such election has been guilty by himself or his agents of the offence of undue influence or of any illegal practice in reference to such election, and the Judge further reports, after giving the Attorney General and Legal Adviser an opportunity of being heard, that the candidate has proved to the Court -

- (a) that no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences mentioned in the said report were committed by other persons contrary to the orders and without the sanction or connivance of such candidate or his election agent, and that such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; or
- (b) that the offences mentioned in the said report were of a trivial, unimportant and limited character; or
- (c) that the offences mentioned in the said report arose from inadvertence or from accidental miscalculation or from some other reasonable cause, and in any case did not arise from any want of good faith on the part of the candidate or his election agent,

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate or his election agent be subject to any incapacity of being registered as an elector or voting under this or any other Ordinance.

Report of Judge as to illegal practice.

69. -(1) At the conclusion of a trial of an election petition the Judge shall, subject to the provisions of section 68, report in writing to the Chief Officer -

- (a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, or by his agent, and the nature of such corrupt and illegal practice, if any; and
- (b) the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice.

(2) Before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by the Judge under this section, the Judge shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

(3) When the Judge reports that a corrupt or illegal practice has been committed by any person, that person shall, save as provided in section 68, be subject to the same incapacities as if at the date of the said report he had been convicted of that practice, and a person shall be subject to the same incapacities if he was a candidate at the election and the Judge reports that such corrupt or illegal practice was committed with his knowledge and consent or by his agent.

(4) The Chief Officer shall cause a copy of such report to be published in the Gazette, and it shall be the duty of the Area Officer forthwith to peruse the report and forthwith to delete from the Register of electors the name of every person appearing from the report to be incapable of voting at an election.

70. Every election petition shall be presented within one month of the date of publication of the result of the election in the Gazette.

Time for presentation.

71. No elector who has voted at any election shall, at the hearing of any election petition, be required to state for whom he has voted.

Prohibition of disclosure of vote.

72. (1) On a scrutiny at the trial of an election petition the following votes only shall be struck off, namely -

Votes to be struck off at a scrutiny.

- (a) the vote of any person whose vote was procured by bribery or undue influence;
- (b) the vote of any person who committed or procured the commission of personation at the election;
- (c) the vote of any person proved to have voted on more than one occasion at such election;
- (d) the vote of any person, who, by reason of a conviction or report of a corrupt or illegal practice, was incapable of voting at the election;
- (e) votes given for a disqualified candidate by a voter knowing that the candidate was disqualified or the facts causing the disqualification, or after sufficient public notice of the disqualification, or when the disqualification or the facts causing it were notorious.

(2) The vote of an elector shall not, except in the case specified in paragraph (c) of subsection (1) of this section, be struck off at a scrutiny by reason only of the elector not having been or not being qualified to have his name entered on the Register of electors.

73. The Administrator may, with the advice and assistance of the Senior Judges, make Rules of Court to be published in the Gazette, for regulating the practice and procedure to be followed on any election petition or any petition to the Judge's Court under section 68.

Powers to make Rules of Court.

PART VII

SPECIAL PROVISIONS

74. (1) No prosecution shall be instituted for any offence contrary to this Ordinance or to any public instrument made by any authority upon whom power has been conferred under the provisions of this Ordinance, or for any offence relating to any powers exercisable by any such authority, without the written consent of the Attorney General and Legal Adviser.

Prosecutions to be subject to the control of the Attorney General and Legal Adviser.

(2) The Attorney General and Legal Adviser may delegate all or any of his powers conferred by this section to the Chief Constable.

75. (1) Without the written consent of the Attorney General and Legal Adviser, no person shall apply for any Order which may be issued by the Senior Judge's Court in exercise of its jurisdiction conferred by section 19(d) of the Courts Ordinance 1960, or shall institute any civil action against the Council, the Chairman or any of its members if the proceedings in any way relate to the functions of the Council, the Chairman or any of its members exercisable under the provisions of this Ordinance.

(2) A certificate by the Attorney General and Legal Adviser that an application for a prerogative Order or any civil proceedings do or do not relate to the functions of the Council, the Chairman or any of its members exercisable under the provisions of this Ordinance shall be final and shall be conclusive as to the matters so certified.

76. All powers exercisable by virtue of the enactment of this Ordinance which in his opinion (which shall be final) in any way relate to the maintenance of law and order, shall be exercisable subject to the control of the Chief Constable.

77. Nothing in this Ordinance shall confer upon any person any residential status which he does not enjoy under the provisions of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960.

PART VIII FORMS.

78. The forms in the First Schedule, or forms substantially to the like effect, shall be sufficient in law.

PART IX ADMINISTRATION OF THE COMMUNITY

79. (1) The Head of the community shall call a meeting of the Council once a month or extraordinarily whenever he deems necessary or when at least one third of the members of the Council request in writing a meeting:

Provided that the meeting shall take place within seven days of the receipt of the application and after a notice in writing at least three days before the meeting has been given. If the Head of the community still refuses to call a meeting after the lapse of at least 14 days of the receipt of the application, those members of the Council who signed the application shall be entitled to call a meeting of the Council by an invitation to all members and with the agenda which had been requested in their written application to the Head of the community. Any decisions taken at a meeting called under the terms of this proviso shall be valid and capable of being carried out.

(2) The meetings of the Council shall be held at a time and place appointed each time by the Head of the community.

(3) Unless otherwise provided in this Ordinance, a quorum of the Council shall be formed when more than one half of its members are present, including the Head of the community. The meeting shall be chaired by the Head of the community and in his absence by the deputy head of the community but if the deputy head of the community is also absent the meeting shall be chaired by the oldest member present.

Powers of Attorney General and Legal Adviser in relation to civil proceedings.

Chief Constable to control law and order in village.

This Ordinance shall not affect residential status.

Ordinance 5 of 1960.

Forms.

Meetings of the Council request in writing a meeting:

(4) Where there is no quorum at any meeting, the meeting shall be adjourned and reconvened, in which case the Council shall deal with the matters included in the agenda of the meeting if more than half of its members are present.

(5) All decisions at a Council meeting, unless otherwise provided in this Ordinance, shall be taken by a simple majority of the members present and in case of equality of votes the Head of the community or the member who chairs the meeting shall have in addition to his own vote a casting vote.

(6) The validity of any decision by the Council shall not be affected merely by the fact that the seat of any member thereof is vacant.

80. (1) It shall be the duty of the Head of the community to keep or cause minutes to be kept of every meeting of the Council. The minutes shall be entered in a special book kept for this purpose and they shall be confirmed at the next meeting of the Council. Having been confirmed they shall be signed by the Head of the community or the member who chaired the meeting and immediately thereafter shall be admitted as evidence without any further proof. The Head of the community shall send copies of the minutes to all members of the Council and to the Area Officer before the next ordinary meeting and in any case within 15 days of the meeting:

Keeping of minutes.

Provided that the Area Officer shall have power to question the validity of the Council's decisions.

(2) Unless otherwise proved, any meeting of the Council, which was called under the provisions of section 70 of this Ordinance and minutes of its business have been kept, shall be deemed to have been called and effected in the proper manner and all persons who attended such meeting shall be deemed to possess the lawful qualifications to be members of the Council.

81. It shall be the duty of the Chairman of the community to ensure that the decisions of the Council are carried out and if any decision entails expenditure he shall ensure that it is in accordance with the approved estimates.

Carrying out of decisions by Council.

82. The Head of the community shall be responsible for the safe custody of title deeds, records and documents of the Council as well as its seal:

Custody of seal etc.

Provided that the Head of the community may appoint the secretary or any other officer of the Council to be responsible for the safe custody of title deeds, records and the seal of the Council.

83. Where the Chairman of the community and the Council fail to carry out any duty or apply any provision required by this Ordinance, the Chief Officer may call upon the Head of the community and Council to carry out within a reasonable time such duty or apply such provision of this Ordinance. If there should be no compliance, the Chief Officer shall have power to appoint the Area Officer to carry out or apply the above and any expenses incurred for this purpose shall be borne by the Council.

Failure to carry out any duty required by this Ordinance.

84. The Head of the community shall have the following functions:

- (a) He shall be the executive authority of the Council and shall be in charge of its services;

Functions, duties and rights of Head of community.

- (b) He represents the Council in all its official relations and in all Court proceedings as well as the authorities of the Republic and of the Sovereign Base Areas;
- (c) He prepares the agenda and convenes the meetings of the Council which he chairs;
- (d) He carries out the decisions of the Council;
- (e) He signs or authorises the secretary to sign any licence granted under the provisions of this Ordinance or any By-laws of the Council;
- (f) He keeps the law and order in the community;
- (g) He provides as soon as possible information to the nearest police station relating to any serious offences or accident which have occurred in his community;
- (h) He keeps the community informed of all notices, proclamations and other official documents sent to him by the Area Officer or any other authority of the Republic or the Sovereign Base Areas;
- (i) He keeps a seal in his capacity as Head of the community with which he seals all certificates and documents which are required to be sealed by him;
- (j) He carries out the duties required of him under the Registration of Births and Deaths Ordinance;
- (k) He reports to the District Lands Officer of the Republic the death of any person who possesses immovable property or has a share in any immovable property together with a list of such property and the heirs of the deceased. He also reports any absentee heirs who might be entitled to inherit such property;
- (l) He supplies any certificate with regard to movable or immovable property if there is no hindrance justifying the refusal to supply such certificate;
- (m) In general he carries out all the duties and powers conferred upon or required of him under this Ordinance or any By-laws made thereunder or any other Ordinance.

85. It shall be the duty and right of every member of the Council to carry out the duties imposed upon him under the provisions of this Ordinance or any other Ordinance.

86. (1) The Head of the community and the members of the Council shall be entitled to receive the fees set out in Part I and Part II respectively of the Third Schedule with regard to the various matters mentioned therein as well as every fee which is provided in this Ordinance or any other Ordinance.

(2) The Head of the community or any member of the Council who-

- (a) acts in contravention of subsection (2) of this section or
- (b) knowingly issues any false certificate

shall be guilty of an offence and on conviction shall be liable for every such offence to a fine not exceeding £200 regardless of any penalty which may be inflicted on him under any other Ordinance.

Duties of Council members.

Fees of Head of community and Council members etc.

PART X

OFFICERS OF THE COUNCIL

87. (1) The Council shall have power to determine, with the approval of the Chief Officer, the number of posts, schemes of service and the salary scales for each post. The approved number of posts shall be entered in the annual estimates of the Council together with the corresponding salary scale for each post.

Power of Council to determine its posts and procedure to fill them.

(2) The Council shall have the power to make Bye-laws which shall be subject to the approval of the Chief Officer and shall be published in the Gazette. Such Bye-laws shall provide for the procedure to be followed for filling vacant posts, the general conditions of service of the Officers of the Council, their duties and the exercise of disciplinary measures in relation to them.

(3) For the purposes of this section the term "post" means any post envisaged in subsection (1) but does not include workmen appointed by the Council.

88. (1) The Council may appoint suitable persons who are not members of the Council to fill the post of secretary and any other posts which may be created in accordance with section 87 of this Ordinance.

Appointment of secretary and other employees.

(2) No person who has completed his sixtieth birthday may be appointed to the post of secretary or to any other post.

(3) Subject to the provisions of section 91 no officer may be dismissed or removed from his post save by a decision of the Council which has been taken at a special meeting called for the purpose and such officer has been notified within a period not less than seven days of such meeting.

(4) If the person who holds the post of secretary is for any reason temporarily incapable of carrying out his duties, the Council may appoint a deputy who shall hold such office for such time as the Council wishes. The deputy secretary may carry out all the functions required to be performed under this Ordinance by the officer for whom he deputises and shall be liable to the same penalties for any failure to carry out the duties entrusted to him.

89. Notwithstanding the provision of sections 87 and 88 of this Ordinance the Area Officer may in exceptional cases permit the performance of the secretary's duties by the Head of the community or a member of the Council but he shall not be deemed to be an officer of the Council on account of any lump sum payment annually to him for his services.

Performance of duties of secretary in special cases.

90. The Council may employ any workmen who are necessary for its services and for the performance of any work for which provision has been made in the approved annual estimates.

Employment of workmen.

91. (1)(a) Subject to the provisions of the Bye-laws made under subsection (2) of section 120 of this Ordinance, the Council shall, in relation to its employees exercise disciplinary authority for any breaches of their duties due to their own fault and may impose the following disciplinary penalties:

Disciplinary powers of Council.

- (i) Reprimand;
- (ii) Severe reprimand;

- (iii) Interruption of annual increment;
 - (iv) Deferment of annual increment;
 - (v) Monetary penalty not exceeding 3 months emoluments;
 - (vi) Demotion to a lower scale;
 - (vii) Compulsory retirement subject to the provisions of subsection (2) of this section;
 - (viii) Dismissal.
- (b) For the imposition of the penalties of compulsory retirement and dismissal a decision is required which shall be taken by a two thirds majority of the total number of the members of the Council at a meeting specially convened following a seven day notice.
- (c) Any officer who is subjected to a disciplinary prosecution shall always have the right to be heard.

(2) Where an officer is required, following a punishment imposed on him, to retire compulsorily from a pensionable post, the provisions of the Bye-laws in force from time to time relating to retirement benefits upon termination of service in the public interest shall apply.

92. The Council may require any officer appointed by it to furnish such a security as it considers appropriate for the performance of the duties of his post and the Head of the community shall ensure from time to time that such security is reliable and adequate.

93. (1) Any officer appointed by the Council under the provisions of this Ordinance shall be required to hand to the Head of the community over specified periods in the course of his service or within a month from the date on which he ceased to hold his post a written and true account in respect of all matters entrusted to him as well as all collections and payments made by him, including payment vouchers, and a list of persons who owe money to the Council in which the sums due shall be stated and which are related to the post he holds or held.

(2) Every affected officer shall pay all the amounts due to the secretary or in the manner decided by the Head of the community.

(3) Nothing in the provisions contained in this section shall affect any remedy upon the commencement of Court proceedings against the officer or his surety.

94. No officer of the Council shall be permitted to have any beneficial interest, either directly or indirectly, whether personally or through his wife or child or partner in any contract entered into by the Council or in any work carried out for and on behalf of the Council. Any officer who has such beneficial interest shall not hold any office or perform any work in the Council.

95. The Council may enter into an agreement with other Councils for the purpose of making available the services or any part thereof of any of its officers or workmen to another Council or Councils, as the case may be, under such conditions as may be provided in such agreement:

Security to be provided by officers.

Responsibilities of officers.

Prohibition of beneficial interest in Council contracts.

Agreements or contracts with other Councils.

Provided that for pension purposes or the grant of a gratuity on account of such employment the service referred to above shall count as service under the Council.

PART XI
MOVABLE AND IMMOVABLE PROPERTY -
CONTRACTS

96. On the establishment of the Council in accordance with sections 6 and 7 of this Ordinance all the assets and liabilities of the Village Authority shall be abolished under this Ordinance and shall be transferred to the Council.

Transfer of property to Council.

97. (1) Any immovable property which belongs to the Council which under any law or custom is required to be registered in the books of the District Land Registry Office shall be registered in the name of the Council.

Registration and disposal of immovable property.

(2) On the application for the registration of any immovable property in the name of the Council or for any proceedings required in the District Land Registry Office, the Head of the community or any other person authorised by him in that behalf shall be deemed to be the legal representative of the Council.

(3) On the application for any registration made under this Ordinance the Head of the community shall give a notice in writing concerning the address of the Council. The service of such notices or documents at the address of the Council shall be deemed to be adequate service on the Council.

(4) On the application for the registration in the name of the Council of any immovable property possessed by the Council, the District Lands Officer may register such property upon production by the Head of the community of a certificate which confirms that such property belongs to the Council and is possessed by the Council.

(5)(a) The Council shall have power to decide whether any of its movable property may be sold, exchanged or leased.

(b) The Council may by a two-thirds majority of its members and subject to the approval of the Chief Officer decide –

(i) to sell or exchange any of its immovable property;

(ii) to accept an encumbrance on its immovable property or the lease thereof for a period not exceeding 10 years.

(6) For the purposes of this Ordinance and subject to the provisions thereof or any other Ordinance, the Council shall have power to take any action for the improvement or development in any other way of its movable or immovable property in its possession or belonging to it and to invest any capital, which is not immediately required to be expended in order to meet any liabilities or to exercise its functions, in any bonds issued by the Republic.

98. (1) Any agreement by or in the name of the Council shall be in writing and bear its seal and shall be signed by the Head of the community and two members of the Council duly authorised for the purpose by the Council:

Procedure to enter into agreement.

Provided that any agreement relating to normal current transactions by the Council may, subject to the Contracts Ordinance,

be made either in writing or orally, as the case may be, by the Head of the community on behalf of the Council and may be modified or revoked in writing or verbally:

Provided further that any agreement or contract which the Council may enter into shall be subject to the approval of the Area Officer if its duration exceeds the term of office of the Council.

(2) All agreements or contracts entered into under this section shall be valid in law and shall be binding on the Council and on all the contracting parties and their heirs, executors or administrators, as the case may be.

(3) The Council may decide to lease the whole or part of its movable and immovable property and accept any inheritance, bequest or donation.

(4) None of the provisions of this section shall affect the validity of any contract or agreement entered into before the commencement of this Ordinance by the Akrotiri Village Commission which is abolished under section 155.

99. If any movable or immovable property is required for carrying out any public purposes which fall within the powers of the Council, the Council may by agreement acquire such property.

100. (1) If any immovable property lying in the community which is required for any public purpose within the powers of the Council cannot be acquired by agreement, the Council may, by resolution of a majority of not less than two-thirds of the members actually holding office, decide that the immovable property be acquired for the public purpose specified therein. A copy of such resolution and of the minutes relating thereto, together with a plan of such immovable property and particulars as regards its owner, estimated value, description and any other matter as may be necessary for the purpose, shall be forwarded to the Area Officer for the consideration of the Administrator as hereinafter provided –

Provided that the Council shall not be permitted to acquire a part only of any building, if the owner thereof is willing and able to give a good title to the whole thereof:

Provided further that where any immovable property is required by the Council for the opening of a new street, the Council may acquire a sufficient extent of immovable property on each side of the proposed street to admit the erection thereon of suitable buildings with a frontage on the new street.

(2) The Area Officer, before submitting for the consideration of the Administrator the documents mentioned in subsection (1) of this section, shall cause a notice in the form set out in the Schedule to this Ordinance to be published in the Gazette and also to be posted at a conspicuous place within the community.

(3) At the expiration of the period set out in the notice the Area Officer shall forward to the Administrator the documents mentioned in subsection (1) of this section together with any objection or statement made against the proposed acquisition.

(4) If the Administrator approves the plan submitted and considers it expedient, having regard to all the circumstances, that the Council should be permitted to acquire the immovable property

Acquisition of movable and immovable property.

Compulsory acquisition of immovable property.

in question, he may, by notification published in the Gazette, sanction the acquisition of such immovable property; and, thereupon, if the owner of the immovable property does not agree with the Council as to the sum to be paid as compensation for it, the same shall be determined in accordance with the provisions of any Ordinance in force for the time being, providing for the acquisition of immovable property for public purposes.

(5) Within three months from the date of agreement or determination of the sum to be paid as compensation for the acquisition of such immovable property, as hereinbefore provided, the sum so agreed or determined, as the case may be, shall be paid to the owner of such immovable property or deposited to his account with the Accountant-General of the Republic; and if it is not so paid or deposited, the sanction of the Administrator for the acquisition of such immovable property as aforesaid shall be deemed to be revoked:

Provided that where the property to be acquired is charged with the payment of any money, the sum agreed or determined to be paid, as the case may be, for the acquisition thereof, shall be deposited in the appropriate District Lands Office of the Republic to be paid out to the persons in whose favour such charges operate in satisfaction in whole or in part of the sums due to them; and any balance should be paid to the owner of the property to be acquired:

Provided further that, if the immovable property to be acquired is subject to any lease, the Court may, on the application of the lessee of the property made before the payment or deposit of the money agreed or determined to be paid as compensation for the acquisition thereof, direct that there shall be paid to him such portion of that sum as shall, in the opinion of the Court, be sufficient to compensate him in respect of the determination of his tenancy.

(6) On payment or deposit with the Accountant-General of the Republic or the appropriate District Lands Office of the Republic of the sum agreed or determined to be paid as compensation for the acquisition of such immovable property, as in subsection (5) of this section provided, such immovable property shall vest in the Council free from all encumbrances and the Director of Lands and Surveys of the Republic shall cause registration of such immovable property to be made in the name of such Council in accordance with the plan approved by the Administrator.

PART XII

ESTIMATES, FINANCIAL PROVISIONS AND ACCOUNTS

101. (1) For every financial year, which shall commence on the 1st of January, the Council shall prepare its annual estimates of revenue and expenditure in accordance with the provisions of this Ordinance.

Annual estimates
of Council.

(2) The annual estimates of the Council shall be balanced:

Provided that any deviation from the provisions of this subsection shall not be permitted except with the approval of the Chief Officer.

(3) The annual estimates of the Council shall be submitted to the Area Officer for approval before the 30th November of the year preceding the financial year to which they relate. The Area Officer shall check the legality of the estimates within a month of their submission by the Council:

Provided that only when the estimates are contrary to the provisions of this Ordinance shall he withhold his approval:

Provided further that the Council may without prior approval spend every year an amount not exceeding 20% of any item of expenditure in the approved estimates subject to the condition that such additional amount shall be saved against any other item or items in the approved estimates.

(4) A copy of the approved estimates of the Council shall be forwarded to the Auditor-General of the Republic.

Community Fund.

102. The Council shall keep a fund to be called the "Community Fund" and its revenues shall emanate from -

- (a) Any grants in aid by the Republic or any other source;
- (b) Taxes, rates, rents or fees collected under the provisions of this Ordinance or any other Ordinance or Bye-laws made thereunder;
- (c) Fines, penalties and revenues collected in accordance with the provisions of this Ordinance or any other Ordinance or Bye-laws made thereunder;
- (d) Rents, profits, interest and benefits originating from any property of the Council;
- (e) All monies collected by the Council or any of its officers, workmen, or agents of the Council acting on its behalf;
- (f) Donations, bequests or other grants.

Disposal of
money from the
Community Fund.

103. The assets of the Community Fund shall be disposed of and charged with the following:

- (a) The salary or remuneration of the secretary, the cashier and any other employees or workmen appointed or employed by the Council in accordance with the provisions of this Ordinance;
- (b) All necessary expenditure lawfully incurred by or on behalf of the Council in accordance with the provisions of this Ordinance;
- (c) Any monies lawfully due by the Council;
- (d) The financing of development works:

Provided that no payment exceeding the amount of one hundred pounds shall be made out of the Community Fund if it is not authorised by the approved estimates or without a specific resolution of the Council and the Area Officer's approval.

Payments and
collections.

104. (1) Any payment into or from the Community Fund shall be made by the secretary or the cashier or by any other person authorised in that behalf by the Council.

(2) Where a payment is made by cheque from the Community Fund, such cheque shall be signed by the Head of the community or by a member of the Council duly authorised by him and countersigned by the secretary or another member of the Council authorised by the Council for this purpose.

Deposit of monies.

105. All monies belonging to or collected on behalf of the Council shall be deposited with a bank or co-operative society or co-operative savings bank as the Council may determine:

Provided that the Council may authorise the secretary or cashier or any other officer to keep in his custody a sum of money which may be sufficient to meet the daily expenses of the Council.

106. No amount of money shall be withdrawn from an account of the Council with a bank, co-operative society or savings bank except by means of a cheque signed in accordance with subsection (2) of section 104.

Withdrawal of money.

107. (1) The Council shall ensure that an accurate account shall be kept of all monies collected and paid out of the Community Fund.

Keeping of accounts.

(2) The Council shall ensure that appropriate accounts, books and statements of account shall be kept which shall be prepared in accordance with standard accounting principles and practices.

(3) At the end of the financial year and in any case not later than the 31st of March of the following year the final accounts shall be prepared by the Council.

108. (1) The final accounts after having been certified by the Head of the community, or secretary or any other officer authorised by the Council on their behalf shall be produced for audit to the Auditor-General of the Republic. When the audit is complete the Auditor-General shall submit the audited accounts to the Area Officer together with his report and observations. The audited accounts shall be posted in conspicuous places of the community for a period of 30 days for the information of members of the community.

Audit of accounts.

(2) The cost of auditing the accounts as determined by the Auditor-General of the Republic shall be repaid by the Council to the Republic.

109. (1) Besides the annual audit, the Auditor-General of the Republic may, whenever he thinks it expedient to do so, carry out management, extraordinary or other audits.

Obligation to produce or supply information for audit purposes.

(2) For the purpose of carrying out any audit the Auditor-General of the Republic may call on any member of the Council or its officers to supply any information or explanation or produce any minutes, book, contract, account, invoice or other necessary document for audit purposes.

(3) Any person who –

- (a) neglects, fails or refuses to produce to the Auditor-General of the Republic any of the documents referred to in subsection (2) of this section;
- (b) neglects, fails or refuses to supply any information or explanation required by the Auditor-General of the Republic;
- (c) supplies to the Auditor-General of the Republic any information or explanation which he knows is false or wrong

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred pounds.

110. Where the Council does not employ a secretary or officer adequately qualified, the duties of cashier shall be carried out by the Head of the community.

Performance of duties of cashier by Head of community.

Immovable
property rate.

111. The Council shall have power to impose, in relation to every immovable property lying within the limits of the community, an annual rate to be known as the "immovable property rate". The amounts so produced shall be paid into the Community Fund.

Rate of immovable
property rate.

112. (1) The immovable property rate shall be imposed according to a rate not exceeding ten per thousand on the value of the immovable property as calculated on the basis of the registered values in force at the time of the commencement of this Ordinance:

Provided that where the total amount of the immovable property rate which shall be imposed every year does not exceed one pound the minimum rate payable shall be one pound.

(2) The Council shall fix before the 31st December in every year the rate of the immovable property rate with regard to the year which begins on the first day of January next and shall notify its decision to the Director of the Lands and Surveys Department who in turn shall notify the Chief Officer and the Area Officer.

Imposition of
immovable
property rate.

113. The immovable property rate shall be calculated annually by the Director of the Lands and Surveys Department on the basis of the rate fixed in accordance with section 112 of this Ordinance.

Taxation lists.

114. The Director of Lands and Surveys Department shall every year prepare for the Akrotiri community taxation lists which shall contain the names and addresses, if they are known, of the owners of the taxable property and the amounts due by every such owner and such lists shall be forwarded to the Council for the collection of the rate imposed.

Collection of
immovable
property rate.

115. The rate for immovable property lying within the limits of the community shall be payable by every owner on the 30th June of the year with respect to which it has been imposed and shall be collected in the manner provided for in section 137 of this Ordinance:

If where for any reason the immovable property rate cannot be collected from the owner, such rate may be collected in the same manner from every lawful occupier of the property. Such occupier shall be compensated by the owner in respect of the amount paid and shall be entitled to deduct such payment from the rent payable to the owner.

Exemption from
payment of
immovable
property rate.

116. No immovable property shall be levied, paid or collected in respect of the following:

- (a) Public burial grounds;
- (b) Churches or assembly halls which are used exclusively for religious purposes;
- (c) Buildings used as public hospitals;
- (d) Immovable property which –
 - (i) is occupied and registered in the books of the District Lands Office, in the name of the school which operates under any law in force concerning elementary or secondary education;
 - (ii) belongs to the Republic of Cyprus or is owned or occupied by the Crown in the Areas;

- (iii) belongs to the Council;
- (iv) belongs to an athletic club and consists of football grounds, sports installations or buildings used by such club;
- (v) is occupied or used exclusively for any charitable purposes of a public nature, which is maintained chiefly by donations or voluntary contributions;
- (vi) is registered or recorded in the books of the District Lands Office as a public grazing ground.

PART XIII

FUNCTIONS, DUTIES AND POWERS OF COUNCIL

117. The administration of all local affairs shall vest in the Council which shall exercise the powers conferred upon it under this Ordinance.

General functions
of Council.

118. Subject to the provisions of this Ordinance and any other Ordinance in force the Council shall within the limits of the community and so far as its financial resources permit, carry out the following duties:

Duties of the
Council.

- (a) provide or ensure an adequate domestic water supply, maintain it in good condition, protect it against pollution and ban or regulate the supply or use of any water for domestic purposes;
- (b) provide for the construction and maintenance of sewerage systems for the effluents of the community;
- (c) provide for the construction, operation and maintenance of drainage systems for rainfall water;
- (d) provide for the cleanliness and lighting of streets and ensure the free use of streets and the removal of any objects or articles which prevent their free use;
- (e) with the Area Officer's consent name or rename any street and erect suitable placards and ensure the numbering of any premises along streets;
- (f) provide for the collection and disposal of household refuse and prevent the dumping of any refuse on any public or private place and maintain rubbish bins for the temporary storage of refuse;
- (g) provide for the removal of abandoned vehicles and other objects on streets;
- (h) provide for the protection of the environment of the community and ensure and control the good appearance of the community and provide for the construction of any necessary or useful works for this purpose;
- (i) provide for the construction and maintenance of public baths, latrines and other sanitary conveniences;
- (j) inspect and control all bakeries;
- (k) regulate or restrict any trade near a street likely to cause a nuisance;

- (l) regulate, restrict or ban any trade which endangers public health or causes any nuisance;
- (m) disinfect any house where a person has died of a contagious disease;
- (n) provide for the construction and operation of slaughterhouses and for the fees payable for the use of slaughterhouses and for the seizure of carcasses not slaughtered in the Council's slaughterhouse;
- (o) ban the use of streets by animals;
- (p) regulate and control theatres or premises of public entertainment;
- (q) prevent advertisements on any buildings and provide public hoardings for advertisements;
- (r) provide for the establishment of rest houses or charitable institutions for poor or incapacitated people;
- (s) provide for the control of camping sites;
- (t) control public swimming pools;
- (u) provide for any other public works which are conducive to public health;
- (v) provide for the establishment and operation of burial grounds;
- (w) regulate, control, restrict or ban any trade or business which is harmful to public health or is the source of nuisance to the inhabitants of any area of the community.

Powers of the Council.

119. Subject to the provisions of this Ordinance and any other Ordinance in force, the Council shall have power within the limits of the community -

- (a) (i) with the consent of the Area Officer, to borrow money for carrying out any works or taking any measures which the Council is empowered to carry out under the provisions of this Ordinance and for the purchase of any equipment or vehicles for public utility purposes. For the purpose of securing the repayment of the principal and interest on any such loan any rates, fees, rents or charges to the lender with the approval of the Area Officer to mortgage any immovable property:

Provided that such loans shall be used exclusively for the execution of such works.

- (ii) to borrow temporarily any money from the bank or co-operative society at which the account of the Council is kept:

Provided that the amount so borrowed shall not exceed twenty per centum of the estimated revenue of the Council for the period for which the current estimates are in force and that the amount so borrowed shall be repaid from the revenue of the Council during such period:

Provided further that the Area Officer may approve a loan for any sum exceeding 20% of the revenue of the Council and such approval may include a condition as to the period of its repayment.

- (b) to acquire, with the consent in writing of the Area Officer previously obtained, by agreement between the owner thereof and the Council, water or water rights within or outside the community area, whether attached to land or held independently of land;
- (c) with the approval of the Area Officer to provide, establish, maintain, improve and regulate, within the community area, parks, gardens, play-grounds, swimming pools, public bathing places, amusement centres, places of resort or recreation for the use of the public and any other amenities and to contribute towards the cost of the establishment and maintenance of any parks, gardens, play-grounds, swimming pools, public bathing places, amusement centres, places of resort or recreation or any other amenities, provided by any person for the use of the public;
- (d) plant, within the community area, trees in any street or public place and to erect tree guards;
- (e) to erect, within the community area, public buildings and execute other public works subject to the approval of the Area Officer;
- (f) to contribute towards the cost of maintaining public or rural hospitals, child welfare clinics and maternity services which may be established;
- (g) with the approval of the Area Officer, to make any payment or contribution to any charitable or philanthropic scheme or institution;
- (h) to provide, within the community area, for the construction, paving, asphaltting or improvement of streets;
- (i) subject to the provisions of section 153 to grant, within the community area, licences and permits and, subject to the provisions of this Ordinance or any Regulations made thereunder, attach to such licences or permits such terms and conditions as the Council may seem necessary or desirable and suspend or revoke such licences and permits whenever the Council on good cause shown considers it advisable so to do;
- (j) to provide for the erection of public markets and for the fees and rent for the use of these markets and to prohibit hawkers within markets;
- (k) to provide for special places where animals and perishable goods may be sold;
- (l) to carry out any water supply projects either alone or in co-operation with other communities;
- (m) with the approval of the Area Officer, to sell any surplus water for non-domestic use;

- (n) to spend up to 5% of its estimated expenditure to cover the cost of attendance of Council members;
- (o) to impose an annual rate not exceeding five hundred pounds on every occupier of property in the community to be assessed by the Council according to his means due regard being always had to any other rates imposed on such occupier by the Council;
- (p) subject to the law relating to public swimming pools to regulate the use and operation of such pools which are not under the control of the Council;
- (q) to write off, with the consent of the Area Officer, taxes and rates which cannot be collected not exceeding in each case fifty pounds;
- (r) to organise or encourage cultural activities.

Bye-laws by
Council.

120. (1) The Council may, from time to time, with the approval of the Chief Officer, make, amend and revoke any bye-laws which are not inconsistent with the provisions of this or any other Ordinance in force for the time being for all or any of the following purposes, that is to say:

- (a) to enable or assist the Council to perform any of the duties assigned to it by section 118 of this Ordinance and to provide for the payment of any rates, fees, rents or charges in connection therewith;
- (b) to enable the Council to carry out or assist it in carrying out any of the provisions of section 119 of this Ordinance and to provide for the payment of any rates, fees, rents or charges in connection therewith;
- (c) to provide for the payment of fees by any person who carries on, exercises or practices any profession or business, trade or other calling within the limits of the community;
- (d) to provide for the payment of fees by the owner of any premises whether let or in the occupation of the owner:

Provided that no fees shall be payable in respect of premises let or used solely for agricultural purposes;

- (e) to regulate and control the grant or issue of any licence or permit which the Council is empowered to issue or grant under this Ordinance or any Bye-law made thereunder and to provide for the payment of any fees or charges in connection therewith;
- (f) to provide –
 - (i) for the imposition of an annual rate for community services:

Provided that whenever any amount is imposed on any non-resident occupier, a special notice of the amount so imposed shall be sent by the Council to such non-resident occupier,

- (ii) for the time at which and the manner in which such annual rate shall be paid and recovered, and

(iii) for the exemption of occupiers from payment of such annual rate on the ground of poverty.

(2) No Bye-law or revocation, amendment, modification or alteration of any Bye-law shall have effect until it is approved by the Chief Officer and published in the Gazette.

(3) Bye-laws made under this section may provide for the imposition of a fine not exceeding one hundred and twenty five pounds for any infringements thereof or, in the case of a continuing infringement, a fine not exceeding twenty five pounds for each day during which such infringement continues and may also provide for the forfeiture for the benefit of the Council of any articles or goods in respect of which the infringement was committed.

(4) For the purposes of this section –

“occupier” means any person in actual occupation of any immovable property within the limits of the community without regard to the title under which he occupies such property or, in the case of an unoccupied immovable property, the person entitled to the occupation thereof and includes the owner of any movable property within such limits.

121. (1) The Council may, within the limits of the community and with the concurrence of the Chief Constable, make bye-laws with the approval of the Chief Officer, to regulate and control traffic in any street, which may include power –

Regulation of
traffic.

- (a) to fix places where vehicles can stand when not actually in motion and fix the number and types of vehicles which shall be permitted to stand at such places and regulate any matter in connection therewith;
- (b) to fix streets or places where vehicles can park, to provide for the installation of parking meters on such streets or places, as well as the regulation of parking on them, to prescribe the fees payable for the use of such places and to approve the fixing of fees for the parking of vehicles on private parking places;
- (c) to prohibit or restrict any kind of traffic other than pedestrian;
- (d) to regulate and fix pedestrian and students crossings on public streets;
- (e) to declare any street or part thereof as a one-way traffic street for vehicles and animals or to abolish any one-way traffic street;
- (f) to regulate the movement of pedestrians and of persons riding a bicycle, a motor cycle or auto cycle or pushing a bicycle or motor cycle or pushing perambulators or hand-driven vehicles and the movement of any animals whether ridden or not;
- (g) to erect, exhibit, place or paint signs for the regulation of traffic and to prevent the erection, exhibition, placing or painting in the proximity of any such signs of any other sign or other thing;

Provided that such signs shall be similar to those provided by the Motor Vehicles and Road Traffic Ordinance and the Regulations made thereunder;

- (h) to regulate the removal of any vehicle which is unlawfully or dangerously parked or abandoned on a street or in a manner which obstructs traffic;
 - (i) to require persons to give information to a police officer regarding any accident in any street involving a vehicle;
 - (j) to prohibit the obstruction or interference in the use of any street.
- (2)(a) Any person who contravenes any Bye-law made under the provisions of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding four hundred and fifty pounds or to both such imprisonment and fine and the Court trying the case may order the driving licence of the person convicted in relation to any vehicle connected with the commission of the offence shall be cancelled or suspended for such period while it is in force as the Court may deem fit:
- (b) Where an act or omission constitutes an offence under any Bye-laws made under this section and also under any regulations made under the Motor Vehicles and Road Traffic Ordinance the offender shall be liable to be prosecuted and punished either under such Bye-laws or under such regulations but shall not be liable to be punished twice for the same offence.
- (3) For the purposes of this section –

“motor vehicle” means any mechanically propelled vehicle or any trailer drawn thereby and has the meaning assigned to this expression by the Motor Vehicles and Road Traffic Ordinance and includes an auto cycle, motor lorry, bus, any vehicle propelled by electric power or propelled on caterpillar tracks as defined in the Motor Vehicles and Road Traffic Regulations but does not include vehicles constructed exclusively for use on rails;

“traffic” includes bicycles, tricycles, motor vehicles, vehicles of every description, traffic wardens, pedestrians and all animals being ridden, driven or led;

“parking place” means any place where motor vehicles may park in accordance with the arrangements made by the Council.

122. (1) Every person who carries on any business or exercises any calling or profession within the limits of the Council shall obtain a licence in accordance with the provisions of this Ordinance:

Provided that –

- (a) no person shall be required to obtain more than one licence within the limits of the Council during any period;
- (b) no person who has obtained a licence within the limits of another Council shall be required to obtain a licence from the Akrotiri Council unless he has a permanent place of work in such Council or is resident therein for the purpose of carrying on a business or exercising a calling or profession for a period exceeding 15 days;

- (c) civil servants and workmen who serve in the public service of the Republic or its military forces who are in receipt of an annual salary shall not be required to obtain a professional licence but they shall be liable to pay the prescribed fees.

(2) This section shall not apply to any person who exercises religious duties exclusively.

123. (1) Every person who keeps within the community limits any building or site, whether covered or uncovered, in which any business, industry, trade or occupation is carried on shall be required to obtain beforehand a licence from the Council, subject to the approval of the Area Officer.

Licence to keep trade premises.

(2) The licence granted under subsection (1) shall be subject to such terms and conditions as the Council may deem fit to impose.

(3) The applicant shall pay such fees for the issue of the licence as may be determined by the Council and provided for in Bye-laws made under section 120:

Provided that Bye-laws made under section 120 may provide for exemption from payment of fees for the issue of a licence relating to certain kinds of businesses, workshops, industries, trades or occupations.

124. (1) Any person who wishes to carry on gainfully a business, trade, calling or profession within the limits of the community shall apply to the Council for the purpose of obtaining a licence and the Council shall determine the fees payable for the issue of the licence which shall not exceed the fees set out in the Fourth Schedule.

Granting of licence to persons who carry on a business etc.

(2) When the prescribed fees have been paid to the Council, the Council shall ensure that the applicant's name is entered in a register kept for the purpose (hereinafter referred to as "the register of professional licences") and shall issue the licence to the applicant.

(3) Every employer who carries on a business, trade or occupation within the limits of the community shall, within one month from the 1st January in every year, forward to the Council a list showing all the persons employed by him which shall include the name, identity card number, address and their emoluments and where any person or persons are employed after the 1st January he shall within a month of such employment forward to the Council the name, identity card number, address and total emoluments of the persons so employed.

(4) Every affected employer shall, when so requested by the Council, deduct from the emoluments of any person employed by him the fee imposed by the Council on such person in accordance with the provisions of this Ordinance and forward such deducted amount to the Council within the time limits prescribed by the Council.

(5) Every affected employer who –

- (a) refuses, neglects or fails to forward to the Council the information provided in subsection (3) within the prescribed time limits, or
- (b) provides false information or particulars, or

- (c) does not deduct or forward the fee imposed by the Council as provided in subsection (1)

shall be guilty of an offence and shall be liable to a fine not exceeding £450 or to imprisonment not exceeding six months or to both such fine and imprisonment.

(6) In the written notice served on every person for the purpose of the fee determined by the Council the amount of the fee payable shall always be recorded.

Failure to submit application to the Council for a licence.

125. If any person fails to submit an application to the Council for a licence as provided in section 124 of this Ordinance within a month from the date when he commenced or recommenced to carry on a business, trade, occupation or profession, the Council may determine the fees payable by such person and shall enter his name in the register of professional licences.

Form of licence.

126. The form of licence shall be determined from time to time by the Council.

Duration of licence.

127. A licence may be annual and end on the 31st December or six-monthly and end on the 30th June or the 31st December of the year immediately following its issue.

Carrying on a business etc. without a licence prohibited.

128. Any person who within the limits of the community carries on a business, trade or occupation without -

- (a) submitting within a month of the date when he commenced or recommenced carrying on a business etc. an application to secure a licence; or
- (b) submitting an application for renewal of any licence within a month of the expiry of any previous licence

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred pounds.

Offences in relation to licences.

129. Any person who is required under this Ordinance to possess a licence with regard to his business, trade or occupation who -

- (a) refuses or neglects to produce a licence when so requested by any police officer or Council officer; or
- (b) leases or lends his licence to any other person; or
- (c) while he is not the holder of a licence produces or uses any document with intent to persuade that he is in possession of such a licence,

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred pounds.

Hawking of goods within the community limits.

130. (1) No person may within the limits of the community hawk goods of any nature for sale without the written permission of the Council.

(2) The Council shall have discretion to grant or refuse a licence under subsection (1) and may prohibit or restrict hawking in certain areas or streets within the community and impose in the licence conditions with regard to the hours and goods hawked or such other related or supplementary conditions as it may deem expedient.

- (3)(a) Every application for the grant of a hawking licence shall be for a period of one month, three months, six months,

nine months or for one year and in case it is approved by the Council, the licence shall be issued for the period applied for when the fees prescribed by the Council have been paid by the applicant.

- (b) No fee shall be refunded where the hawking is not carried out during the period when the licence is in force.

(4) Any person who contravenes or fails to comply with any provisions of subsection (1) or any condition contained in the licence granted to him under this section shall be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty pounds.

131. (1) Within the limits of the Council -

- (a) no theatre shall be used for any purpose and no building, place or tent shall be used for any theatrical, dancing or cinema performance or for any entertainment into which the public is admitted or for any public assembly;
- (b) no fun fair park or other place of entertainment where electrically operated games are kept shall be used,

without a licence from the Council having been previously obtained in accordance with the provisions of this Ordinance.

(2) The Council may grant such a licence either for one performance or for any period not exceeding one year:

Provided that no such licence shall be granted until the applicant for such licence produces -

- (a) the building permit and certificate of approval in respect of the premises issued by the appropriate authority under the provisions of the Streets and Buildings Ordinance;
- (b) a certificate from the Council's engineer or where there is no such engineer, from the Director of Public Works Department of the Republic or his representative in accordance with which the premises or tent and the equipment, furniture, lighting and ventilation thereof, are suitable and safe in every respect for the purpose for which they are intended to be used;
- (c) a certificate from the Director of the Electrical and Mechanical Services of the Republic or his representative in accordance with which the electricity installations and the electrical equipment of the premises or the place or tent are in accordance with the provisions of the Electricity Ordinance and the Regulations made thereunder;
- (d) a certificate from the Head of the Fire Services of the Republic in accordance with which adequate provision has been made in the premises or place or tent for
- (i) the prevention of fire;
- (ii) the extinguishing of fire;
- (iii) the safe escape, in the event of a fire, of all persons.

132. (1) Any licence granted under the provisions of section 131 of this Ordinance shall be granted to the proprietor, lessee or occupier of the premises or place and the form of such licence shall be determined by the Council and shall be subject to the conditions contained therein.

Ban on the use of theatres etc. without a licence.

Granting and form of licence.

(2) The Council may impose such fee in respect of any licence as may be determined in Bye-laws made for this purpose.

Special provisions
for supervision by
officers of the
Council.

133. (1) When the Council grants a licence under the provisions of sections 131 and 132 of this Ordinance under the special condition that the premises or place shall be used exclusively for the purpose for which the licence is granted under the supervision of an officer or person named in the licence, it shall be lawful for such officer or person -

- (a) to direct that the performance on the stage or the cinema performance or the entertainment or the public assembly or any other purpose for which the premises or place is used, shall cease if he considers this necessary for the safety of the premises or place or the persons found therein, or
- (b) to give such directions as he may consider necessary for the purpose of the safety of the premises or place or the persons found therein; and

in every such case the person in charge of the premises or place and all persons found therein shall obey such directions or comply with them.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to the penalties provided in section 135 of this Ordinance.

Revocation of
licence.

134. Notwithstanding the provisions of this Ordinance, the Council shall revoke any licence granted under section 131 of this Ordinance, if -

- (a) the engineer of the Council, or the Director of the Public Works Department or his representative certify that the premises or place or tent or the equipment, or furniture or lighting or ventilation have become in any respect unsafe or unsuitable for the purpose for which the licence was granted, or
- (b) the Head of the Electrical and Mechanical Services of the Republic or his representative certify that the electricity installations or the electrical equipment of the premises or place or tent are not in accordance with the provisions of the Electricity Ordinance or the Regulations made thereunder;
- (c) the Director of the Fire Services of the Republic certifies that no adequate provision is being made for the prevention or extinguishing of a fire or the safe escape from the premises or the place or the tent of all persons in the event of a fire,

and the Council may revoke any such licence in case of any failure to comply with it or with the terms thereof by any person and where there is a contravention thereof or any of the conditions.

Offences.

135. (1) Any person who uses or advocates or authorises or allows the use of any building, place or tent for any of the purposes referred to in section 131 of this Ordinance in respect of which no valid licence is in force or is in contravention of any terms or conditions of any such licence shall be guilty of an offence and shall

be liable to a fine not exceeding four hundred and fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment; and in addition to such sentence the Court may, regardless of whether the offence has been committed by a person other than the holder of the licence, revoke or suspend such licence for any period and under such terms and conditions as the Court may deem fit.

(2) The Court hearing the charges brought against any person as provided in subsection (1) may, following an ex-parte application, order the suspension of the licence and the prohibition of the use of any building, place or tent until the final hearing of the case:

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

(3) Any person against whom an order has been made under subsection (2) who neglects, fails or refuses to comply with such order shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine.

136. (1) A police officer of a rank not lower than Sergeant or any employee appointed for the purpose by the Council may, at any reasonable time including the time when premises or a tent are in use, enter any such premises, place or tent for which a permit was granted under this Ordinance or any Bye-laws made thereunder for the purpose of ascertaining whether the terms and conditions of such licence are being complied with or where he has reason to believe that such premises, place or tent are used or about to be used in contravention of the provisions of section 131 of this Ordinance.

Entry by police or other authorised person into premises etc.

(2) Any person who prevents or obstructs any person mentioned in subsection (1) of this section in the exercise of the powers conferred upon him by that subsection shall be guilty of an offence and shall be liable to a fine not exceeding four hundred and fifty pounds or to imprisonment not exceeding six months or to both such fine and imprisonment.

PART XIV

MISCELLANEOUS PROVISIONS

137. (1) If any rates, fees, rents or charges payable under this Ordinance or any Bye-laws made thereunder are not paid when properly due the Council may collect them as a civil debt together with an increase as provided in subsection (2).

Collection of rates, fees and taxes not paid.

(2) If any rates, fees, rents or charges payable under this Ordinance or any Bye-law made thereunder are not paid when properly due they shall be increased by twenty five percentum.

138. (1) The Head of the community or the Chief Medical Officer of the Republic or any person authorised by them in writing in that behalf may without warrant enter any premises other than a dwelling house at any time between the hours of sunrise and sunset or, in the case of any business premises, at any hour when the business is usually carried on, for the purpose of ascertaining whether the provisions of this Ordinance or any Bye-law made thereunder are being complied with.

Power to enter premises.

(2) Any person who prevents or obstructs any person mentioned in subsection (1) of this section in the exercise of the powers

conferred upon him by that subsection shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding two hundred pounds or to both imprisonment and fine.

Prevention of carrying out duties.

139. Any person who obstructs any officer or servant of the Council in the execution of his duties under the provisions of this Ordinance or any Bye-law made thereunder shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding two hundred pounds or to both such imprisonment and fine and the Court may order such person to pay to the Council such sum as the Court may deem fit by way of damages as a result of the obstruction of the officer or servant.

Order of Court for payment of rates and fees.

140. Wherever a person is convicted of an offence under this Ordinance or any Bye-law made thereunder the Court trying the offence shall, in addition to any other punishment it may consider fit to impose on such person, order such person to pay any rates, fees, rents or charges payable in respect of the matter to which the offence relates.

Council may sue or be sued.

141. (1) In all legal proceedings the Council may sue and be sued in its name.

(2) The Council shall, for the purposes of this Ordinance, bear the name "Council of Akrotiri".

(3) The Council may appear before the Court or in any legal proceedings by the Head of the community or the Council secretary or by any officer or member of the Council authorised generally or in respect of any special proceedings by the Council; and the service of any summons or order or other proceedings upon the Head of the community shall be deemed effectual service on the Council.

Payment of legal expenses.

142. All legal expenses incurred by the Council in applying the provisions of this Ordinance or any Bye-law made thereunder, shall be borne by the Community Fund.

Compounding of offences.

143. Notwithstanding anything contained in the Ordinance, the Area Officer may at his discretion compound any offence against the provisions of this Ordinance or any Bye-law made thereunder by accepting from the person who has committed or is reasonably suspected of having committed such offence, a payment not exceeding the maximum monetary penalty prescribed for the offence by this Ordinance or the respective Bye-law made thereunder. The amount so collected shall be paid into the Community Fund and shall form part thereof.

Appeals against Council decisions.

144. Any person aggrieved by -

- (a) the refusal of the Council to grant or renew a licence or permit;
- (b) the withdrawal, suspension or revocation of a licence or permit by the Council;
- (c) the imposition or assessment by the Council of any sum, may within 14 days from the decision of the Council upon any matter as in this section mentioned, appeal to the Chief Officer.

(2) Every appeal shall be in writing and signed by the appellant and shall set out the grounds upon which it is founded.

(3) The Chief Officer shall where he establishes that the decision of the Council is contrary to the Ordinance revoke or amend such decision.

145. (1) Notwithstanding anything in any Ordinance contained, the Chief Officer may, on the application of the Council and on payment by such Council of such an annual sum as the Chief Officer may from time to time determine, remit any Court fees payable by the Council in respect of any legal proceedings instituted by the Council in the enforcement of the provisions of this Ordinance or any Bye-law made thereunder and thereafter no such fees shall be paid by any Council in respect of which such remission has been made.

Commutation of court fees.

(2) No advocate's fee shall be awarded by the Court against any person in any proceedings instituted by the Council in respect of which the Court fees have been remitted under the provisions of subsection (1):

Provided that provision may be made in the estimates of such Council for the remuneration of advocates employed for the conduct of prosecutions or to advise the Council in any legal matters.

146. The Council may appear before the Court or in any legal proceedings by the Head of the community or the Council secretary or by any officer or member of the Council authorised generally or in respect of any special proceedings by the Council; and the service of any summons or order or other proceeding upon the Head of the community shall be deemed effectual service on the Council.

Appearance in legal proceedings and serving of summons.

147. The Chief Officer and the Area Officer may at any time under a written authority signed by them delegate to any person all or some of their duties, powers or functions, conferred upon them under the provisions of this Ordinance.

Delegation of powers.

148. Subject to the provisions of this Ordinance no person or corporate public or private body shall be exempt from payment of any taxes, fees, rates or charges payable under this Ordinance or any Bye-laws made under this Ordinance.

No exemption from payment of rates, taxes etc.

149. The Council shall be exempt from -

- (a) payment of any stamp duties payable under the Stamp Duties Ordinance;
- (b) payment of any tax or fee payable under the Motor Vehicles and Road Traffic Ordinance upon the registration of any vehicle belonging to the Council or any road licence thereof.

Exemption of Council from taxation and fees.

150. The Chief Officer shall have power to make Regulations to be published in the Gazette for the regulation of any matter which needs to be regulated under this Ordinance and of any necessary particulars for carrying out the provisions of this Ordinance and generally for the better carrying out of any of the provisions of this Ordinance.

Regulations.

151. The Administrator may by Order published in the Gazette define or alter the boundaries of the Akrotiri community.

Power to define or alter the boundaries of community.

152. Notwithstanding the provisions of section 148 or the provisions of any other Ordinance the Council shall not be permitted to levy any rates or taxes on any property owned or occupied by the Crown in the Areas or in respect of any person employed in any capacity by the Crown.

Exemption from rates and taxes on Crown property or in respect of persons employed by the Crown.

Certain licences by Council to be subject to Ordinance 5 of 1960.

153. Notwithstanding anything contained in this Ordinance or any Bye-laws made thereunder, the Council shall not be permitted to issue any licence in respect of the carrying on or setting up of any commercial or industrial enterprise in the Areas unless a business licence is produced from the appropriate authority under section 21 of Ordinance 5 of 1960.

Manner of serving notices.

154. Any notices, orders or any other documents which under this Ordinance are required to be served, may be served by delivering them to the persons to whom they are addressed or to their dwelling houses or when they are addressed to the owner or occupier of any premises by delivery to them or a true copy thereof to any person found in the premises or in the absence of any such person in the premises by posting them in a conspicuous place on the premises or by sending them by registered post addressed to the person concerned at his last known postal address in Cyprus. Any notice required under this Ordinance to be handed to a person who owns or occupies any premises may be addressed to such person as "owner" or "occupier" of the premises (which shall be named) in respect of which notice is given without reference to a name or description.

Repeals.

155. (1) The following Ordinances are hereby repealed –

The Akrotiri (Village Commission)(Election, Constitution and Powers) Ordinance

The Village Authorities Ordinance

The Public Health (Villages) Ordinance

The Water (Domestic Purposes) Village Supplies Ordinance;

(2) Any Bye-laws made under the provisions of the Ordinances repealed shall remain in force until amended or revoked by new Bye-laws made under the provisions of this Ordinance and shall apply as if made in accordance with the provisions of this Ordinance.

(3) Any order made under the Ordinances repealed, until it is amended or revoked in accordance with the provisions of this Ordinance, shall be deemed to have been made under this Ordinance and shall apply as if made in accordance with the provisions of this Ordinance.

(4) Any appointment, authorisation, approval or any other act made by a Commission under the provisions of the Ordinances repealed or the Bye-laws made thereunder shall be deemed to have been made in accordance with the provisions of this Ordinance.

(5) Any licence granted or issued by virtue of the provisions of the Ordinances repealed shall be deemed to have been granted or issued in accordance with the provisions of this Ordinance.

Transitional provisions.

156. Notwithstanding the provisions of section 8 of this Ordinance, the existing Head of community and Members of the Village Commission of Akrotiri shall continue to serve until the date when the term of office of the elected Councils under this Ordinance begins.

FIRST SCHEDULE

THE AKROTIRI COMMUNITY ORDINANCE 2001

FORM 1 – (Section 15(1))

WRIT OF ELECTION

TO THE RETURNING OFFICER.

Whereas by section 15 of the Akrotiri Community Ordinance 2001, it is provided that for the purpose of election of members of the Council the Chief Officer shall issue a writ, addressed to the Returning Officer:

And whereas I think it expedient that a writ should be issued for the election of members to serve on the Council.

Now, therefore, I, Chief Officer as aforesaid, do hereby require that, notice of the time and place fixed for the nomination of candidates having been first duly given as required by the Ordinance you do on the day of 200... at o'clock in the afternoon at cause election to be made according to the provisions of this Ordinance of members to serve on the Council and that, if necessary, you do cause a poll to be taken on the day of 200, and that you do cause the result of the election to be certified to me by endorsement hereon not later than the day of 200

Given under my hand this day of 200...

Chief Officer,
Sovereign Base Areas.

FORM 2 – (Section 15(4))

THE AKROTIRI COMMUNITY ORDINANCE 2001

**NOTICE OF ELECTION OF THE MEMBERS
OF THE COUNCIL**

The Chief Officer having issued his writ for the election of members of the Council, the Returning Officer will on the day of 200, now next ensuing at o'clock in the afternoon at proceed to the nomination, and, if there is no opposition, to the election of the Council.

Forms of nomination papers may be obtained at the office of the Returning Officer between the hours of and daily.

Every nomination paper must be signed by any two or more electors qualified to vote and be handed to the Returning Officer at o'clock in the afternoon of the day of 200.....

No nomination paper shall be valid or acted upon by the Returning Officer unless it is accompanied by –

- (a) the consent in writing of the person therein nominated; and
- (b) a deposit of fifty pounds with me in cash; and
- (c) the declaration under section 16(3) of the above mentioned Ordinance.

The Returning Officer is situated at

.....
Returning Officer

Date

FORM 3 – (Section 16(2))

THE AKROTIRI COMMUNITY ORDINANCE 2001

NOMINATION PAPER

We, the undersigned, qualified voters for the community of Akrotiri, do hereby nominate the following person as a proper person to serve as member of the Council and we certify that to the best of our belief he is qualified for election as a member of the said Council.

Surname or Principal Name	Other Names	Address	Occupation	Number of Electoral Booklet

Proposer

Secunder

I,
 nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the Council and name as my address for serving of process and papers as follows:-

Address

Witness my hand this day of 200...

.....

Signature of Candidate

.....

Signature of Witness

FORM 4 – (Section 16(3))

THE AKROTIRI COMMUNITY ORDINANCE 2001

**DECLARATION OF A PERSON NOMINATED AS A
CANDIDATE FOR ELECTION AS A MEMBER OF THE
COUNCIL**

Qualification of
of
in the of
nominated as a candidate for election as a member of the Council.

I,
of
in the of
do solemnly and sincerely declare –

That I am duly qualified to be elected a member of the Council.

(Signed)

Sworn/Affirmed *
before me

..... Date

* Delete which is not necessary.

FORM 5 – (Section 26(1))

THE AKROTIRI COMMUNITY ORDINANCE 2001

NOTICE OF CONTESTED ELECTION

Election of Members to the Council.

Notice is hereby given to the electors of the community of Akrotiri that a poll has been granted for the election now pending for the said community and that such poll will be opened on the day of 200, at the hour of six-thirty in the forenoon and, except for one hour from noon to one o'clock in the afternoon, kept open until the hour of six in the afternoon in the community Polling Station and that the candidates in the above village are as follows:-

Candidate	Proposer	Secunder

of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at this day of 200

.....

Returning Officer

FORM 6 – (Section 37)

THE AKROTIRI COMMUNITY ORDINANCE 2000

OATH OF IDENTITY

I swear/affirm* that I am the same person whose name appears
as No. in
the electoral list of the community of Akrotiri.

.....

(Signature or thumb mark)

Before me

.....

(Presiding Officer)

* Delete which is not necessary.

FORM 7 – (Section 59(1))

THE AKROTIRI COMMUNITY ORDINANCE 2001

RETURN RESPECTING ELECTION EXPENSES

I, being election agent for candidate for election in the community of Akrotiri, make the following return respecting election expenses of the said candidate at the said election (or where the candidate has named himself as an election agent) I, candidate for the election in the community of Akrotiri, acting as my own election agent, make the following return respecting my election expenses at the election –

Receipts:

Here set out the name and description of every person (including the candidate), club, society or association from whom any money, security or valuable consideration was received in respect of expenses incurred on account of or in connection with or incidental to the election, and the amount received from each person, club, society or association separately, and state as to each amount whether it was received as contribution, loan, deposit or otherwise.

Expenditure:

1. Payments made by election agent.
2. Personal expenses paid by the candidate.
(The name and description of each person to whom payment is made and the sum paid to each must be shown separately).
3. The name, and the rate, and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger.
4. The travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers.
5. The cost whether paid or incurred of –
 - (i) printing;
 - (ii) advertising;
 - (iii) stationery;
 - (iv) postage;
 - (v) telegrams;
 - (vi) rooms hired either for public meetings or as committee rooms.
6. Any miscellaneous expenses whether paid or incurred.

7. Disputed claims.

(Here set out the name and description of each person whose claim is disputed, the amount of the claim and the goods, work or other matter on account of which the claim is based).

8. Unpaid claims.

(Here set out the name and description of each person to whom any such claim is due, the amount of the claim and the goods, work or other matter on account of which the claim is due).

.....

Election Agent

Date:.....

FORM 8 – (Section 59(2))

THE AKROTIRI COMMUNITY ORDINANCE 2001

STATEMENT ON OATH BY CANDIDATE

I,
being a candidate for election in the community of Akrotiri, do hereby solemnly affirm (or swear) that the above return of election expenses is true to the best of my knowledge and belief, and that except the expenses therein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of my candidature.

.....

Candidate

Solemnly affirmed (or sworn to) before me.

.....

FORM 9 – (Section 59(2))

THE AKROTIRI COMMUNITY ORDINANCE 2001

STATEMENT ON OATH BY AN ELECTION AGENT

I, having been appointed election agent for a candidate for the election in the community of Akrotiri, do hereby solemnly affirm (or swear) that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses therein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of candidature.

.....

Election Agent

Solemnly affirmed (or sworn to) before me.

.....

SECOND SCHEDULE

(Section 100)

THE AKROTIRI COMMUNITY ORDINANCE 2001

NOTICE is hereby given that the following immovable property (describe immovable property, giving measurements and showing boundaries whenever practicable) is required by the Council of Akrotiri Community for (set out the public purpose).

Any person claiming to have any right or interest in the said immovable property, who objects to the acquisition of such property, is required within six weeks from the date of the posting of this notice to send to me a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The Council of the aforesaid community is willing to treat for the acquisition of the said immovable property.

A plan showing the immovable property described above is available for inspection at the Area Office Akrotiri.

Dated this day of 200

.....
Area Officer of Akrotiri

Posted this day of 200

THIRD SCHEDULE**(Section 87)****THE AKROTIRI COMMUNITY ORDINANCE 2001****PART I****FEEES TO THE HEAD OF THE COMMUNITY**

1. In the execution of any writ of execution on behalf of the CourtBailey
 - (a) Where the total amount bid for all the property sold does not exceed 50 cents Ten cents.
 - (b) Where it exceeds 50 cents A fee at the rate of 5% on the amount bid, provided that the minimum fee be 10 cents.
2. For posting notices in connection with any sale of immovable property and for conducting such sale. Such fees as may be from time to time prescribed by any Rules of Sale made under the Civil Procedure Ordinance, Cap. 6, or otherwise.
3. On affixing his seal to any certificate relating to movable or immovable property. At the discretion of the Head of the community a fee not exceeding 15 cents.
4. For reporting under the provisions of section of this Ordinance the death of persons possessed of, or beneficially interested, in immovable property, etc. £1 to be paid out of the estate of the deceased.
5. For every certificate on the back of every duplicate unmounted photograph accompanying an application for a passport and required to be certified under instructions issued by the Chief Officer Ten cents.

PART II**FEEES TO MEMBERS OF THE COUNCIL**

- For every certificate on the back of every duplicate unmounted photograph accompanying an application for a passport and required to be certified under instructions issued by the Chief Officer Five cents.
-

FOURTH SCHEDULE**(Section 124)****THE AKROTIRI COMMUNITY ORDINANCE 2001****PROFESSIONAL LICENCES**

1. Annual licences:

(a) Salaried persons whose annual emoluments fluctuate:

	From	To	Annual Fee
	£	£	£
1.	1	1000	0
2.	1001	1500	3
3.	1501	2000	4
4.	2001	2400	6
5.	2401	2800	8
6.	2801	3200	11
7.	3201	3600	14
8.	3601	4000	17
9.	4001	4500	21
10.	4501	5000	25
11.	5001	5400	29
12.	5401	5800	33
13.	5801	6200	37
14.	6201	6500	41
15.	6501	7000	45
16.	7001	7500	50
17.	7501	8000	55
18.	8001	8500	60
19.	8501	9000	65
20.	9001	9500	70
21.	9501	10000	72,50
22.	10001	10500	75
23.	10501	11000	77,50
24.	11001	11500	80
25.	11501	12000	82,50
26.	12001	12500	85
27.	12501	13000	87,50

	From	To	Annual Fee
	£	£	£
28.	13001	13500	90
29.	13501	14000	92,50
30.	14001	14500	95
31.	14501	15000	97,50
32.	15001	15500	100
33.	15501	16000	102,50
34.	16001	16500	106,50
35.	16501	17000	110,50
36.	17001	17500	114,50
37.	17501	18000	120,50
38.	18000	18500	124,50
39.	18501	19000	128,50
40.	19001	19500	132,50
41.	19501	20000	136,50
42.	20001	20500	140,50
43.	20501	21000	144,50
44.	21001	21500	148,50
45.	21501	22000	152,50
46.	22001	and above.	156,50.

Annual Fee
not exceeding
£

- | | |
|---|------|
| (b) Tradesmen working on their own account | 100 |
| (c) Professionals exercising a free profession, such as doctors, lawyers, architects, engineers, business people, industrialists and entrepreneurs working as individuals | 200 |
| (d) Limited companies carrying on insurance shipping, air or banking business and other commercial business as well as finance corporations | 1000 |
| (e) Limited companies which do not fall within paragraph (d) above – | |
| (i) private companies, whether local or foreign, whether controlled by foreigners or not – | |
| (aa) with issued share capital up to £5,000 or a turnover up to £50,000 a year or a number of employees up to five | 150 |

- | | |
|--|-----|
| (bb) with issued share capital from £5,000 to £10,000 or a turnover from £50,001 to £100,000 a year or with a number of employees from 6 to 10 | 200 |
| (cc) with issued share capital exceeding £10,000 or a turnover exceeding £100,000 or a number of employees in excess of 10 | 300 |

Provided that if any private company falls within more than one category it shall be classified in the category with regard to which the higher fee is paid.

- | | |
|---|------|
| (ii) Public companies whether local or foreign, whether or not controlled by foreigners | 1000 |
|---|------|

Provided that for the purposes of this Part, the Cyprus Electricity Authority, the Cyprus Telecommunications Authority, the Cyprus Grain Commission and Water Boards shall be deemed and classified as public companies with limited liability.

(iii) Partnerships –

- | | |
|---|-----|
| (aa) with a turnover up to £50,000 a year or with a number of employees up to 5 | 150 |
| (bb) with a turnover from £50,001 to £100,000 a year or with a number of employees from 6 to 10 | 200 |
| (cc) with issued share capital exceeding £10,000 or a turnover exceeding £100,000 or with a number of employees in excess of 10 | 300 |
| (f) Offshore companies | 200 |
| (g) Other persons or corporate bodies not falling within any of the above categories | 250 |

2. Six-monthly licences:

One half of the above fees shall be payable.

16th November 2001

(109/6)

D.J. BONNER,
Chief Officer



