

**AN ORDINANCE
TO AMEND THE FORESHORE PROTECTION
ORDINANCE 1975**

T.W. RIMMER
ADMINISTRATOR

14th April 2003.

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

1. This Ordinance may be cited the Foreshore Protection (Amendment) Ordinance 2003 and shall be read as one with the Foreshore Protection Ordinance 1975 (hereinafter referred to as “the principal Ordinance”).

Short title.

2. Section 2 of the principal Ordinance is amended as follows -

Amendment of section 2 of principal Ordinance.

(a) immediately above the definition of “Area Officer” there shall be inserted the following new definition –

“Administrative Secretary” means the Administrative Secretary, Sovereign Base Areas;” and

(b) for the definition of “foreshore” there shall be substituted the following definition –

“foreshore” includes any land which lies between the high water mark of the sea and a distance inland from that mark of ninety metres or such greater distance as the Chief Officer may, in relation to any particular part of the coast, determine and publish in a notice in the Gazette.”.

3. Section 5(3) of the principal Ordinance is amended as follows -

Amendment of section 5 of principal Ordinance.

(a) for the words “three months” there shall be substituted the words “twelve months”; and

(b) for the words “one hundred pounds” there shall be substituted the words “one thousand pounds”.

Insertion of sub-section 5A to 5G into principal Ordinance.

4. After section 5 of the principal Ordinance there shall be inserted the following new sections –

“Restrictions on provision of services on the foreshore.

5A. - (1) It is prohibited for any person, in the course of any business carried on by him or any other person, to provide for the use of others, whether or not for consideration, any sun bed, mattress or beach umbrella on any part of the foreshore that lies between the high water mark and a distance inland of the greater of –

- (a) 15 metres; and
- (b) one-fifth of the distance between the high water mark and the opposite boundary (that is to say, the landward boundary) of the foreshore.

(2) A person shall not -

- (a) place, or cause to be placed on the foreshore any boat for his personal use; or
- (b) place, or cause to be placed on the foreshore any tables or chairs for the use of customers or potential customers of any business of his carried on on the foreshore; or
- (c) organise, conduct or participate in any game on the foreshore which involves the players in running or in throwing, kicking or hitting any ball or other object (other than dice thrown in any game which may lawfully be played on the foreshore),

unless he has a permit issued to him by the Area Officer authorising him to do such thing and he does it in accordance with any conditions subject to which such permit is issued.

Restrictions on local authorities.

5B. A local authority shall not provide for the use of the public any sun beds, mattresses or beach umbrellas, whether or not for consideration, otherwise than in accordance with –

- (a) a permit issued to it under this section by the Area Officer authorising it to do so; and
- (b) any conditions subject to which such permit is issued.

Restrictions on foreshore activities.

5C. - A person shall not –

- (a) sit or lie on the foreshore at a distance of less than four meters from the water line of the sea;
- (b) on any part of the foreshore so conduct himself as to cause annoyance to other persons present there;
- (c) in any way pollute the foreshore or the sea;
- (d) drive any wheeled vehicle on the foreshore;
- (e) lead or pass any animal on the foreshore or wash any animal in the sea.

Specially
protected
parts
of the
foreshore.

5D. Where the Administrator is satisfied that in order to protect or preserve the natural, archaeological, environmental or ecological character of any part of the foreshore, or that in order to protect or preserve any marine life, it is necessary to prohibit the provision of services of any description on any part of the foreshore, he may by notice published in the Gazette declare such part of the foreshore to be a place where services of that description may not be provided and in relation to which no permit may be issued under section 5A or 5B, and where any such notice is published then any such permit which may already have been issued in relation to that place shall cease to be valid from such date as shall be specified in the notice.

Local
foreshore
committees.

5E. – (1) There shall be established for each local authority area in which lies any part of the foreshore, a local foreshore committee which shall be composed of the chairman of the local authority, three other members of the local authority and the Area Officer.

(2) In addition to the members of any local foreshore committee mentioned in subsection (1), for each such committee one representative from each of the Cyprus Tourism Organisation, the Department of Town Planning and Housing and the Department of Lands and Surveys shall be invited to become a member of the committee and any such representative who accepts such an invitation shall accordingly become a member of the committee which extended the invitation to him.

Foreshore
plans.

5F. - (1) Each local foreshore committee shall prepare a plan of the foreshore within its area showing –

- (a) the parts of the foreshore belonging to the Crown in right of its Administration of the Sovereign Base Areas;
- (b) the parts of the foreshore which are the subject of a notice published in the Gazette under section 5D;
- (c) the parts of the foreshore where it is proposed that sun beds, mattresses and beach umbrellas are to be provided for the use of the public, whether or not for consideration,

and submit the plan to the Administrative Secretary for his consideration.

(2) If the Administrative Secretary approves the plan he shall sign it and have it deposited at the office of the Area Officer for inspection by any interested person. The Area Officer shall forthwith, by notice published in the Gazette, publicise the plan and state in the notice that any person wishing to object to the plan may do so in writing to the Administrative Secretary within three weeks of the publication of the notice, stating the grounds of his objection.

(3) If the Administrative Secretary receives any objections to a plan he shall examine them, taking account of the views of the Area Officer on those objections, and shall submit a report and his own recommendations on the matter to the Chief Officer.

(4) Where the Chief Officer receives a report such as is referred to in subsection (3) above, he shall consider the case and then send to the Administrator –

- (a) the plan;
- (b) the objections to the plan;
- (c) the report and recommendations of the Administrative Secretary; and
- (d) his own recommendations.

(5) In a case such as is described in subsection (4) above, the Administrator shall consider the matter and shall either approve the plan as it stands or approve it after such modifications have been made to it as he considers appropriate.

(6) A plan which has been approved by the Administrative Secretary as described in subsection (2) above and in relation to which no objections have been made, does not need to be referred to the Administrator for any further approval.

(7) A plan which has been approved by the Administrative Secretary as described in subsection (2) above or by the Administrator as described in subsection (5) above, shall become a finalised plan and shall be published as such by notice in the Gazette.

(8) The Area Officer shall be responsible for ensuring that a finalised plan is properly implemented.

(9) Where a local foreshore committee proposes to amend or modify a finalised plan, the procedure described in the preceding subsections of this section shall apply in relation to the adoption of the proposed amendments or modifications.

Offences

5G. - (1) Any person who contravenes or fails to comply with –

- (a) section 5A or 5C; or
- (b) any conditions subject to which any permit has been granted under this Ordinance; or
- (c) any regulations made under this Ordinance;

shall be guilty of an offence and, on conviction, shall be liable to imprisonment not exceeding twelve months or to a fine not exceeding one thousand pounds or to both such penalties, and in addition may be ordered by the Court before which he is convicted to pay the costs for the removal from the foreshore of any thing which the offender has unlawfully placed or has unlawfully caused to be placed there.

(2) Without prejudice to subsection (1) above, where it appears to the Area Officer, on reasonable grounds, that –

- (a) any person has contravened section 5A;
- (b) a local authority has failed to comply with section 5B;

- (c) a local authority has been granted a permit under section 5B by means of any deception by any member or employee of the local authority or of the local foreshore committee, or by the withholding of any material fact which was known to or which ought to have been known to the local authority or the local foreshore committee,

the Area Officer may remove forthwith from the foreshore any object unlawfully present there by reason of any of the matters mentioned in paragraphs (a) to (c) above and may revoke any permit which may have been granted under section 5A or 5B to the person or, as the case may be, the local authority concerned:

Provided that no permit shall be revoked under this subsection unless the permit holder has been given at least one week's notice in advance of the Area Officer's intention to revoke the permit and the reasons for his intention to do so and the permit holder is informed that he has the right to submit his reasons in writing within one week of the date that the notice was served on him why the permit should not be revoked.

Provided further that the Area Office may demand from the permit holder the costs for the removal from the foreshore of any object so removed under this subsection.”.

5. Section 6(1) of the principal Ordinance shall be amended by repealing paragraphs (c), (d) and (e) of that subsection.

6. This Ordinance shall come into force on the day of its publication in the Gazette.

Amendment
of section 6
of principal
Ordinance.
Commencement.

17th April 2003
(157/4B)

J.C.A. JARVIS CBE,
Chief Officer
