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**AGRICULTURAL LAND CONSOLIDATION (AMENDMENT) ORDINANCE 2010**

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An Ordinance to amend the Agricultural Land Consolidation (Amending and Consolidating)  
Ordinance 1999

**J. H. GORDON**  
**ADMINISTRATOR**

*1st June 2010.*

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

**1. Short title**

This Ordinance may be cited as the Agricultural Land Consolidation (Amendment) Ordinance 2010.

**2. Section 38 of the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999 repealed and replaced**

Section 38 of the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999(a) (“the principal Ordinance”) is repealed and replaced by the following—

**“38. Delegation to the Republic**

- (1) The functions placed on the Administrator, the Chief Officer and the Area Officer by sections 6(1), 6(2), 7(1), 7(2), 10(1), 11(4), 12, 13(2), 20(3), 24, 25, 26, 28(2), 30, 31(5), 31(8), 31(10), 31(11), 32(2), 33(1), 33(2)(a), 33(2)(b), 33(3), 33(5) and 33(6) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b).
- (2) The functions placed on the Chief Officer and the Area Officer by sections 4(1), 4(2), 5(1) and 31(9) are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.
- (3) The functions placed on officers of the Republic by sections 5(2), 9(1),

12(3) and 13(1) are to be treated as if they are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

- (4) For the purposes of subsection (3), the equivalent officers of the Areas to the officers of the Republic specified in the First Schedule are the officers of the Areas on whom the qualified delegated function is placed and they are entitled to carry out that function.”.

### **3. First Schedule amended**

- (1) Above the heading to the First Schedule of the principal Ordinance, “Section 38 – Subsections (1) and (3)” is repealed and replaced by “Section 38 – Subsection (4)”.
- (2) In the “Equivalent Officers” column, “Chief Officer” is repealed and replaced by “Administrative Secretary” on each occasion that it appears.

### **4. Fourth Schedule repealed**

The Fourth Schedule of the principal Ordinance is repealed.

### **5. Commencement**

This Ordinance comes into force on the day it is published in the Gazette.

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#### **Notes**

- (a) Ordinance 18/99.  
(b) Ordinance 17/07.

## EXPLANATORY NOTE

**(This note does not form part of the Ordinance)**

### Introduction

1. This explanatory note relates to the Agricultural Land Consolidation (Amendment) Ordinance 2010 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

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

### Particular points

3. The Ordinance amends the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999 (“the 1999 Ordinance”) in order to apply the Delegation of Functions to the Republic Ordinance 2007 to the 1999 Ordinance. It does this by replacing the existing section 38 (Relationship of Ordinance to Powers and Duties (Officers of the Republic of Cyprus) (Consolidation) Ordinance 1976). The Powers and Duties (Officers of the Republic of Cyprus) (Consolidation) Ordinance 1976 was repealed by an Ordinance that was itself repealed by the Delegation of Functions to the Republic Ordinance 2007.

4. The new section 38(1) provides that various powers and duties carried out by the Administrator, the Chief Officer and the Area Officers are general delegated functions. This means that those powers and duties can be carried out in the Areas by an officer of the Republic of Cyprus on whom the corresponding function is placed by the law or custom of the Republic (section 6 of the Delegation of Functions to the Republic Ordinance 2007). The effects and limits of delegation are set out in the Delegation of Functions to the Republic Ordinance 2007.

5. The new section 38(2) provides that various powers and duties in sections 4 and 5 carried out by the Chief Officer and the Area Officers are qualified delegated functions. As with general delegated functions, the effects and limits of delegation are set out in the Delegation of Functions to the Republic Ordinance 2007. With a qualified delegated function, the Republic of Cyprus officer on whom the corresponding function is placed under the law or custom of the Republic has to consult the officer of the Areas before carrying out the function in the Areas.

6. The new section 38(3) provides that officers of the Republic carrying out functions under the 1999 Ordinance as provided for by specified provisions are treated as if they are carrying out qualified delegated functions under the Delegation of Functions to the Republic Ordinance 2007. This ensures that the safeguards and protections in the Delegation of Functions to the Republic Ordinance 2007 apply to them. A consequence of these provisions being treated as qualified delegated functions is that the officers of the Republic have to consult the officer of the Areas on whom the function is placed before carrying out that function. The new section 38(4) provides that the equivalent officers of the Areas as set out in the First Schedule to the 1999 Ordinance are the officers of the Areas on whom the function is placed.

7. Section 38(4) also provides that the equivalent officers of the Areas specified in the First Schedule are entitled to carry out the functions that are placed on officers of the Republic under particular provisions in the 1999 Ordinance. This ensures that the Administration can carry out these functions itself if it chooses to do so. The First Schedule has been amended so that the Administrative Secretary is the officer of the Areas who would exercise functions rather than the Chief Officer. This avoids the Chief Officer sitting on Committees from which the Chief Officer hears appeals under sections 12 and 31(5).

8. Section 4 of the Ordinance repeals the Fourth Schedule of the 1999 Ordinance. The Fourth Schedule provided for the Administration to notify those officers of the Republic that have functions placed on them under the 1999 Ordinance if the exercise of those functions would be detrimental to military requirements or security needs, or would be contrary to the declared policy of Her Majesty’s Government regarding the Administration of the Sovereign Base Areas. The Fourth Schedule is no longer needed as section 22(3) of the Delegation of Functions to the Republic Ordinance 2007 provides for the Administration to object to the carrying out of a qualified delegated function on the same grounds.

(SBA/AG/2/LD/254)

