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**OVERLAPPING COMMUNITIES ORDINANCE 2024**

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An Ordinance to provide for the administration of overlapping communities.

PJM Squires OBE  
**ADMINISTRATOR**

*28 June 2024*

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#### SCHEDULE — Sensitive Areas

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

## PART 1

### Preliminary

#### **Short title and commencement**

- 1.**—(1) This Ordinance may be cited as the Overlapping Communities Ordinance 2024.
- (1) This Ordinance comes into force on 1 July 2024.

#### **Interpretation**

- 2.**—(1) In this Ordinance—
  - “Chief Fire Officer” has the same meaning as in the Fire Service Ordinance 2010**(a)**;
  - “Council” means a council of an overlapping community;

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**(a)** Ordinance 4/2010.

“court” means a court as defined by the Courts (Constitution and Jurisdiction) Ordinance 2007(a);

“military site” is immovable property which is—

(a) owned by or on behalf of His Majesty in right of His Government in the United Kingdom; or

(b) is leased, from another person, by or on behalf of the His Majesty in right of Her Government in the United Kingdom;

“overlapping community” means any community in the Republic the community limits of which also extend into the territory of the Areas;f

“Republican Law” means the Communities Law of the Republic(b) including any amendment to that law (whether enacted before or after this Ordinance);

“sensitive areas” means those areas shaded red in the plans in the Schedule.

(2) Any expression used in this Ordinance which is defined in section 2 of the Republican Law shall have the same meaning as in that Law, except where that expression is defined in subsection (1), in which case it is that meaning that prevails.

## PART 2

### Community members

#### **Citizens of an overlapping community and their rights and obligations**

3.—(1) A citizen of the Republic or of a member state of the European Union who usually resides in the Areas within an overlapping community is a member of the overlapping community in which they reside.

(2) A child born to married parents is a member of the overlapping community where their father or mother is a member.

(3) A child born to unmarried parents is a member of the overlapping community where their mother is member and, if the father recognises such child before reaching adulthood, they may acquire membership of the overlapping community where the father or the mother have their habitual residence at the time of the recognition, following a declaration by the parents.

(4) A legitimate child of parents of unknown nationality is a member of the overlapping community in which the child is born.

(5) A child who, after birth, does not acquire an alien citizenship or is of unknown citizenship is a member of the overlapping community where they were born or were found abandoned.

(6) A person who is adopted before reaching adulthood is, following their adoption, a member of the overlapping community where the person who adopted them is member; in case of adoption by spouses or adoption of the minor child by one spouse from the other spouse, the provisions of subsection (4) apply to the adopted child.

(7) A person ceases to be a member of an overlapping community when becoming a member of another community or municipality.

(8) A member of an overlapping community is to enjoy all of the rights and be subject to all of the obligations provided for in the Republican Law as if that person resided in the Republic in the community concerned unless that conflicts directly with anything in this Ordinance.

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(a) Ordinance 5/2007.

(b) Law 86(I)/1999.

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## PART 7

### Moveable and immovable property - contracts

#### Property acquired by the Council

**59.** Upon the establishment of a Council in accordance with the Republican Law, all of the assets and liabilities of any entity abolished by this Ordinance or the Republican Law are transferred to the relevant Council without further transfer or conveyance.

#### Registration and disposal of immovable property

**60.**—(1) Immovable property belonging to a Council which is required under any legislation or custom to be registered is to be registered in the name of the overlapping community.

(1) The Chief Officer may effect the registration of immovable property possessed on account of an overlapping community in the name of the overlapping community on submission of—

- (a) an application for registration in the name of the overlapping community; and
- (b) a certificate issued by the mayor of the overlapping community certifying that the property is the property of the community possessed in the name of the community.

(2) The Council may sell or exchange any movable property owned by the overlapping community.

(3) A Council may, with the approval of the Chief Officer, sell or exchange immovable property owned by the overlapping community.

(4) A Council may, with the approval of the Chief Officer, create rights of leases and privileges over immovable property owned by the overlapping community or may lease immovable property for a term exceeding 10 years.

(5) A Council may—

- (a) improve or use in any manner movable or immovable property owned by the overlapping community;
- (b) establish public undertakings; and
- (c) invest the capital of the overlapping community not directly required to be kept as securities issued by the Republic in the carrying out of its functions.

#### Contracts

**61.** A Council may enter into a contract in accordance with section 61 of the Republican Law.

#### Movable and immovable property acquired

**62.** If any movable or immovable property is required to fulfil any public purpose that falls within the powers of a Council, a Council may, by agreement, acquire that property.

#### Compulsory acquisition

**63.** If any immovable property lying in the Areas is required for any public purpose within the powers of a Council and cannot be acquired by agreement, a 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 and the provisions of the Land Acquisition Ordinance(a) shall then apply.

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(a) Cap 226, Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 08/2012) provides for the interpretation of such legislation.

## PART 8

### Budgets, Fiscal Provisions and Accounts

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#### **Immovable property fee**

74. A Council may charge a tax, known as the “immovable property fee” on any immovable property within the community limits of that overlapping community.

#### **Rate for immovable property fee**

75. The immovable property fee must not exceed 1% of the value of any immovable property.

#### **Immovable property fee imposed**

76. For the purpose of section 75 the value of immovable property is the value set by the general valuation conducted under section 69 of the Immovable Property (Tenure, Registration and Valuation) Ordinance(a).

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#### **Immovable property fee collected**

78.—(1) An immovable property fee is payable by the proprietor or the person entered in the register of the district land registry as the proprietor of the immovable property in question and subject to paragraph (2), may be collected by the Council of that overlapping community.

(1) The Council may request the Chief Officer to collect the immovable property fee in the same manner as any taxes under the Tax Collection Ordinance 1964(b).

(2) The Chief Officer may, following a request under subsection (2) collect the immovable property fee and pay the proceeds to the Community Fund in question after deducting any expenses associated with the collection.

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(a) Cap 244, Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 08/2012) provides for the interpretation of such legislation., as amended by 12/1966, 11/1984, 1/1985, 12/1985, 14/1990, 13/1993, 4/1996, 5/1996, 7/2011, 12/2014, 28/2014 and 11/2022.

(b) Ordinance 8/1964.

## **Exemptions**

**79.**—(1) An immovable property fee must not be collected in respect of—

- (a) any public burial place;
- (b) any church, chapel, mosque, assembly house or building or part of an assembly house or building which is used exclusively for the exercise of public worship;
- (c) any premises used as a public hospital;
- (d) any building declared as an ancient monument under the Antiquities Ordinance 1975(a);
- (e) any immovable property used as a public school;
- (f) any immovable property possessed or used for the purpose of a benevolent institution of a public nature which is supported mainly by donations or voluntary contributions (a “benevolent use”);
- (g) any immovable property belonging to the Crown, the Republic or a community;
- (h) any immovable property belonging to an sports club and consisting of playing grounds, sports installations or buildings used by the athletic union;
- (i) any immovable property registered as a common grazing place;
- (j) any immovable property registered or by custom designated for common use by a community;
- (k) any immovable property on a military site.

(2) If any immovable property is held partly for a benevolent use and partly for some other purpose, a municipal fee on immovable property may be collected in respect of that other use (unless that other use is one of the uses listed in subsection (1)).

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## **PART 9**

### **Competences, duties and powers of Councils**

#### **General competence of the Council**

**81.** A Council has competence over the administration of all local affairs within its overlapping community and may exercise all the powers vested in it by this Ordinance.

#### **Duties of the Council**

**82.**—(1) A Council, so far as its financial resources permit, must—

- (a) provide or ensure that suitable and sufficient water supply for domestic purposes is provided, to maintain and care for the maintenance of fountains, sewers and mains, as well as to protect from contamination, to provide for the construction, maintenance and operation of water supply systems and to prohibit or regulate the supply or use of any water for domestic purposes;
- (b) provide for the construction and maintenance of sewerage systems for the sewage of the community;
- (c) provide for the construction, operation and maintenance of drainage systems for rainfall water;
- (d) with the approval of the Chief Officer, provide for the construction, maintenance, cleanliness, lighting and unobstructed use of streets and bridges, to control the construction, conversion, closing or change of direction of streets and bridges and to ensure that any objects obstructing their use are removed;

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(a) Ordinance 12/1975.

- (e) with the Area Officer's approval to name and rename, where necessary, any street, narrow street or square by installing signs in conspicuous places and to ensure that all premises on the streets are numbered;
- (f) provide for the cleanliness and hygiene of the community by picking up, collecting, disposing of and gathering waste, debris and garbage on any public or private space or premises, to supply and maintain in hygienic condition public waste bins or other containers or special sites for the temporary placement and collection of waste, to provide for the creation of permanent sites for the disposal and treatment of waste or sewage, as well as to take all necessary measures to eradicate and move any waste or garbage and to restrict any nuisance;
- (g) provide for the removal of abandoned vehicles and other objects in accordance with section 82A;
- (h) provide and control the maintenance and safeguarding of the good appearance of the community, as well as its natural environment and to provide for the taking of any measures or the construction of any necessary or useful works to attain these purposes;
- (i) to provide for the construction, maintenance and operation of public baths, changing rooms, toilets and other hygiene facilities and to regulate their hygiene condition, as well as the fees paid for their use;
- (j) inspect and control all bakeries;
- (k) subject to subsection (2), regulate, control, restrict or prohibit the exercise of a profession or the carrying out of works on or close to any street in a manner that may affect the amenities of the area or create nuisance or difficulty to the residents of the area or to anyone moving on such street;
- (l) subject to subsection (2), regulate, control, restrict or prohibit a profession, business or project that may be harmful for public health or pose a risk on public danger or nuisance or disturbance for the residents of the area or, if it is considered useful, to act in the manner described above for the public interest;
- (m) regulate and prohibit the maintenance, breeding or keeping of any animals or birds;
- (n) subject to subsection (2), require and provide for the disinfection of any building where a person died from any infectious or communicable disease, as well as the clothes located in it or other content of it;
- (o) provide for the establishment, maintenance, operation and control of slaughterhouses and to regulate the slaughter of animals, the payable fees for using the slaughterhouses to slaughter animals, to confiscate and destroy animals or meat which was not slaughtered at the slaughterhouses of the Council, the transport of carcasses from the slaughterhouses to the place of their disposal in special vehicles, as well as the payment of fees for such transport;
- (p) regulate, control, restrict or prohibit the passing of any animals on the streets of the community, designate spaces to station such animals and fix the fee for their rent;
- (q) subject to subsection (3), regulate, control, restrict or prohibit the operation of theatres or premises or spaces where public spectacles or events are held or performed to provide any type of entertainment or to carry out any public gathering and to grant licences for the use of the theatres, premises or any such spaces;
- (r) prevent the posting or engraving of advertisements or announcements on any building by any person other than by their occupier and to construct and to provide hoardings for advertisements or announcements;
- (s) provide for the establishment, maintenance and operation of rest houses or charitable institutions, establishments and any other facilities providing social, health, paramedic services and first-aid to poor or incapacitated people;
- (t) control the erection and placing of tents and caravans and to construct, maintain and operate camping sites;
- (u) control public swimming pools;

- (v) provide for any other purpose and to implement any public project which is necessary or desirable to further develop the community and to protect and promote hygiene and public health in the community;
  - (w) provide for the establishment and operation of burial ground subject to the provisions of Cemeteries (Burial and Exhumation) Ordinance 2016(a) and Cemeteries of Religious Communities (Burial and Exhumation) Ordinance 2016(b).
- (2) A Council must not carry out a function on a military site.
- (3) A Council must not carry out a function under subsection (1)(q) in the sensitive areas.

**Disposal of abandoned vehicles and other objects**

- 82A.**—(1) Subject to subsection (7), if a motor vehicle remains abandoned on a public road, in an open public place or in a private place for more than one week the Council may—
- (a) immobilise the vehicle and fix onto it a conspicuous self-adhesive notice describing the vehicle as abandoned and make it clear that the vehicle has come under the control of the Council; and
  - (b) serve a notice in accordance with section 112 on the owner, of the vehicle or if the vehicle is found on private land, to the registered owner of the land in question calling upon the owner of the vehicle or (as the case may be) the registered owner of the land to remove the vehicle within 3 days from the date of the notice.
- (2) If the person to whom a notice under subsection (1) is addressed fails to remove the motor vehicle within 3 days—
- (a) if it is lawful for the vehicle to be driven on the road, the Council may sell the vehicle at public auction or by public tender and the proceeds of sale are to be used to defray the expenses of the overlapping community and any amount remaining is to be paid into the Community Fund; or
  - (b) if it is not lawful for the vehicle to be driven on the road, the vehicle is to be disposed of lawfully by the Council.
- (3) Subject to subsection (7), if any item (other than a vehicle) remains abandoned on a public road, in an open public place or in a private place for more than one week the Council may—
- (a) fix onto it a conspicuous self-adhesive notice describing the item as abandoned;
  - (b) if the item is found on private land, serve a notice in accordance with section 112 on the registered owner of the private land calling on the owner to remove the item within three days from the date of the notice.
- (4) If the person to whom a notice under subsection (3) is addressed fails to remove the item within one week—
- (a) if the item is in a usable condition, the Council may sell the item at public auction or by public tender and the proceeds of sale are to be used to defray the expenses of the overlapping community and any amount remaining is to be paid into the Community Fund; or
  - (b) if the item is not in a usable condition, it is to be considered as waste and disposed of in accordance with the Waste Ordinance 2015(c).
- (5) If it is not possible to serve the notice referred to in subsection (1) or (3) in accordance with section 112 the notice may instead be published in at least 2 daily newspapers in circulation in the Areas.
- (6) This section does not affect the liability of any person under any other section of this or any other Ordinance.
- (7) This section does not apply to motor vehicles or other items that are owned or used by the Crown.

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(a) Ordinance 14/2016.  
 (b) Ordinance 15/2016.  
 (c) Ordinance 10/2015.

(8) In this Ordinance—

- (a) “item” means any movable thing found in a public road or a private place exposed to the weather not closely connected to any immovable property as defined in the Immoveable Property (Tenure, Registration and Valuation) Ordinance; and
- (b) “private place” means any unfenced privately owned land.

### **Powers of the Council**

**83.** A Council may, within its community limits lying in the Areas—

- (a) conclude loans following approval by the District Officer in the Republic, to carry out any works or to take any measure that the Council has power to carry out or take and to buy equipment and vehicles for public benefit purposes and in order to ensure payment of the capital and the interest of such a loan, the Council may mortgage to the creditor, following approval by the District Officer of the Republic, any immovable property and encumber the collateral with taxes, fees, rents or charges;
- (b) conclude temporary loans from the bank or cooperative society where it maintains an account for any amount or amounts that do not exceed 20% of the income of the Council’s budget for the current period;
- (c) create, whether alone or in collaboration with another Council or municipality, light industrial areas and to regulate any matter related to the administration, the control and operation of such areas;
- (d) provide for the creation and regulation of community markets, to regulate the fees and rents paid to use such markets and to prohibit or regulate the hawking of any goods anywhere outside the place of community markets;
- (e) provide for the cleaning of special spaces where animals, produce and other commodities may be sold and to regulate the manner in which they are sold, the fees and rents paid to use such spaces;
- (f) acquire, with the approval of the Area Officer, following agreement with the owner and the Council, water or rights over water outside the limits of the community whether connected with the ground or independently from the ground;
- (g) carry out any water supply works within or outside the limits of the community, whether on its own or in collaboration with any other Council or any other authority that is responsible to provide drinking water to the public;
- (h) sell, with the approval of the Area Officer, or otherwise make available for any other purpose other than domestic use, any excess water not required for domestic use within the limits of the community or for domestic use within the limits of any other community or municipality any excess water not required for domestic use within the limits of the Council;
- (i) provide, establish, maintain, improve and regulate the operation, within the limits of the community, parks, gardens, sports grounds, cultural and sports events rooms, swimming pools, youth centres, community rooms and entertainment venues for public use, as well as any other amenities, and to contribute towards the establishment or maintenance of any such private entertainment venues which are intended for public use;
- (j) provide for the promotion of the community within or outside the Republic or the Areas;
- (k) plant trees on any street or any other public space and to install tree guards;
- (l) erect public buildings and to carry out other public works, as well as to contribute towards the expenses of maintaining public or rural hospitals, child welfare facilities and nurseries, which may be established by it;
- (m) with the approval of the District Officer of the Republic, make any payment or contribution to any charitable or philanthropic scheme or institute and to undertake wholly or contribute to the expenses of implementing or operating any scheme or institute for educational, cultural or social purposes;
- (n) spend an amount not exceeding 5% of the total expenses of the budget for the year concerned for representation expenses;

- (o) with the approval of the Chief Officer, provide for the construction, surfacing, asphaltting or improvement of streets;
- (p) grant the permits prescribed by this Ordinance within the community limits and to include conditions that it considers necessary or expedient, as well as to suspend or revoke them;
- (q) impose an annual fee, not exceeding €500, for the provision of community services, on every occupier of property situated in the overlapping community;
- (r) this paragraph is left intentionally blank;
- (s) subject to the Public Swimming Pools Ordinance 2000(a), regulate the use or operation of public swimming pools, whether covered or uncovered, that are not managed by the Councils, for the purpose of—
  - (i) ensuring that the water is clean and free of substances that may be harmful for the health of bathers;
  - (ii) securing the adequacy and cleanliness of the facilities located in them;
  - (iii) regulating the behaviour of people frequenting them; and
  - (iv) bathers' safety;
- (t) regulate payments by each director or business manager of a hotel, tourist lodging, hostel or boarding school, of the fees fixed by the Council for every person aged over ten, for each night of accommodation in such a hotel, tourist lodging or boarding school;
- (u) require that every business director or manager of a hotel, tourist, lodging, hostel or boarding school, at any reasonable time determined by the Council, have available for inspection the documents and books related to the payment of fees stipulated in paragraph (t) of this section;
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- (aa) write off any monetary claims which cannot be collected and which do not exceed the amount of €50 and, following approval by the Area Officer, write off any other monetary claims whose collection is not possible and which do not exceed €50;
- (bb) organise, participate in the organisation or supervision, to encourage or otherwise promote spiritual, educational, cultural, educational, sporting or any other activity or event that includes the establishment and operation of theatres, museums, libraries, orchestra, choir, sports facilities, art galleries and music venues, as well as to reward any people, associations or institutes that are distinguished in any of the activities or events above, and to promote public relations in general;
- (cc) conclude agreements with municipalities or other Councils, subject to the provisions of the Republican Law—
  - (i) for the joint implementation of projects of public benefit which are beneficial for the residents and other authorities of local administration; and
  - (ii) for the provision of joint services, which, until now, were provided separately by each local administration authority;
- (dd) if for the purpose of supplying an adequate quantity of drinking water to any community, or for the purpose of supplying an adequate quantity of drinking water to all the premises of any community, pipelines need to be installed on or under any land or an underground stream needs to be constructed under any land, with the exception of land covered by buildings or any such pipelines or stream need to be repaired or replaced, it is not necessary for the Council to acquire any land in relation to these; however, in any such case, the Council, before installing such pipelines or constructing such stream or before

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(a) Ordinance 14/2000.

repairing or replacing any such pipeline or stream, must serve on the owner or occupier of the land or place on the land a notification on a board regarding its intention, along with a description of the works that will take place and if, within fourteen days from the service or the placing of the notification, the owner and occupier fail to give their consent or to consent under the conditions imposed by the Council, the Chief Officer may give their consent for the installation of such pipelines or the construction of such a stream or the repair of such pipelines or stream, whether without conditions or by imposing such conditions that they deem reasonable, including the payment of compensation, and such consent is adequate authorisation for the installation of pipelines or the construction of underwater stream or for their repair or replacement, subject to the conditions that may be imposed, as stipulated above;

(ee) in the case of a public spectacle –

- (i) impose and collect, subject to the provisions of section 93, a fee for a public spectacle, which is estimated at a rate not exceeding ten per cent of the price paid to enter any space of public spectacle offered anywhere where the public arrives;
- (ii) prohibit a person from entering, with payment or not, any public spectacle, unless they hold a ticket which bears a stamp or is otherwise marked in such a way that shows that the fee has been paid;
- (iii) stipulate the manner in which the fee may be collected and paid;
- (iv) to exempt from the obligation to pay a fee or part of it in the case of a public spectacle for which the amount collected, wholly or partly, is provided for charity, educational or philanthropic purposes or to promote sport disciplines or generally to promote sports.

#### **Blank section**

**84.** This section is left intentionally blank.

#### **Business permit**

**85.**—(1) Subject to subsection (3) and (4), no person may carry out any business, trade, work or occupation for profit within the limits of an overlapping community unless authorised by a permit issued by the Council.

(2) An application for a permit must be determined in accordance with the Republican Law.

(3) A permit under this section must not be issued for an activity referred to in section 93.

(4) A permit is not required for the exercise of any business, trade, work or occupation for profit on land owned or occupied by the Crown in right of His Majesty's Government of the United Kingdom.

#### **Fees imposed for certain types of businesses**

**85A.** An application for a business permit under section 85 must be accompanied by a fee determined by the Council, which must not exceed the amount specified in the Republican Law.

#### **Blank section**

**86.** This section is left intentionally blank.

#### **Blank section**

**87.** This section is left intentionally blank.

#### **Blank section**

**88.** This section is left intentionally blank.

#### **Additional information**

**89.** A Council may request from the applicant for a permit additional information for the purposes of determining the fee to be charged.

#### **Information not provided**



**90.** A person who fails to provide the Council the information required under section 89 is guilty of an offence and, on conviction, is liable to a fine not exceeding €500.

#### **Failure to pay the fees**

**91.** A person who fails to provide to the Council the fees imposed under section 85A, is guilty of an offence and, on conviction, is liable to a fine not exceeding €1,000.

#### **Hawking**

**92.—(1)** A person must not, within the boundaries of an overlapping community, hawk goods of any nature without a licence (a “hawking licence”) issued by the Council to do so.

(2) The Council may, in accordance with the provisions of the Republican Law—

- (a) grant or refuse any application for a hawking licence;
- (b) prohibit or restrict hawking in certain areas;
- (c) impose terms and conditions on the licence, including terms and conditions relating to the times at which goods may be hawked and the type of goods which may be hawked.

(3) An application for a hawking licence may be made (and a hawking licence issued) for a period of one month, three months, six months or one year and if approved by the Council the licence is to be issued for the requested period on payment by the applicant of the fee fixed by the Council.

(4) A fee is not to be returned to an applicant on the basis that the applicant has not conducted hawking during the period of the licence.

(5) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of €250.

#### **Theatres etc. not to be used without a permit**

**93.—(1)** A person must not, within the boundaries of an overlapping community, engage in the activities specified in subsection (2) unless that person has a permit to do so issued by the Council of that overlapping community.

(2) The activities specified are—

- (a) using any building, premises, space or tent for any public spectacle;
- (b) using any building, premises, space or tent, whose area exceeds fifty square metres, as a dance and music hall, irrespective of whether or not it has live music, as a disco, cabaret, pub, bar or other entertainment purpose;
- (c) using any building, premises, space or tent, whose area exceeds 50 square metres, as a restaurant, tavern, snack-bar or for any other entertainment purpose whose area exceeds 50 square metres;
- (d) operate any amusement park, billiards or other place of entertainment where electric and electronic games are used.

(3) A permit to carry out the activities specified in subsection (2) for one performance or for any period not exceeding three years may be issued—

- (a) by the Chief Officer where the activities take place on a military site or sensitive areas; or
- (b) by the Council where the activities take place anywhere else in the Areas.

(4) A permit must not be granted unless the applicant produces—

- (a) the building permit and certificate of approval of the premises issued by the competent authority under the Building Standards (Adoption) Ordinance 2022(a);
- (b) a certificate issued by the civil engineer of the overlapping community or, if there is no such person, by the director of the Public Works Department of the Republic or the representative of the Director, certifying that the premises, place or tent, fittings,

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(a) Ordinance 11/2022.

accessories, furnishing, lighting and ventilation are appropriate and safe in all respects for the purposes for which it is intended they are used;

- (c) a certificate issued by the director of the Department of Electrical and Mechanical Services of the Republic or that person's representative certifying that the electronic installation and equipment of the premises, place or tent comply with the Electricity Ordinance(a);
- (d) a certificate issued by the Chief Fire Officer certifying that sufficient precautions have been taken within the premises, place or tent—
  - (i) to prevent or extinguish a fire; and
  - (ii) to safely evacuate persons;
- (e) a certificate by the Director of Public Health Services of the Republic that the installations of the premises or the space or the tent comply with the requirements of this Ordinance or any other relevant Ordinance or law in the Republic; and
- (f) an agreement for the leasing or use of the building or the premises or the space or the tent with the owner or their authorised representative, where the applicant is not the owner of the premises.

#### **Permit to be granted and form of permit**

**94.**—(1) A permit granted under section 93 is to be—

- (a) issued to owner, tenant or person in possession of the premises, place or tent where the activity is to take place; and
- (b) in the form set out in the Republican Law.

(2) A Council may impose a fee in respect of a permit issued under section 93 as may be determined by regulations made under the Republican Law.

#### **Supervision by an employee**

**95.**—(1) If a Council grants a permit under section 93 and that permit includes a condition that the premises, place or tent is to be used for the purpose for which the permit is granted exclusively under the supervision of an employee of the undertaking to whom the permit is issued or a person named in the permit (the “supervising person”), the supervising person may—

- (a) if it is necessary for the safety of the premises or place or of the persons within that premises, place or tent, order that the theatrical or cinema performance, show, public gathering or any other event for which the premises, place or tent is being used is to cease;
- (b) give such other instructions as may be necessary for the safety of the premises, place or tent or of the persons within that premises or place and in such a case, the person in charge of the premises or place and all persons in that premises or place are to comply with those instructions.

(2) A person commits an offence and is liable on conviction to imprisonment for six months or a fine of €450 or both if that person—

- (a) being a supervising person fails to issue any instruction as may be necessary for the safety of the premises or place or of the persons within that premises or place;
- (b) being a person in a premises or place, fails to comply with any instruction given by the supervising person.

#### **Revocation of a permit**

**96.** The Council may revoke a permit issued under section 93 if—

- (a) any of the certificates required under section 93(4) cease to be valid; or

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(a) Cap 170, Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 08/2012) provides for the interpretation of such legislation.

- (b) a person in a premises or place fails to comply with any instruction given by the supervising person.

### **Criminal offences related to theatres etc.**

**97.**—(1) A person commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €450 or both if that person contravenes section 93(1) or authorises, tolerates or permits any premises, place or tent to be used in contravention of section 93(1) or in breach of the conditions of a permit issued under that section.

(1) If a person is convicted of an offence under subsection (1) a court may for such period as it considers appropriate—

- (a) revoke a permit issued to that person under section 93;
- (b) prohibit that person from obtaining a another permit under section 93; or
- (c) impose conditions on a permit issued or held by that person under section 93.

(2) Subsection (2) applies whether or not the offence was committed by the person to whom the licence was issued.

(3) If proceedings are commenced for a breach of this section, the court may, on the application of the Council, suspend the permit and make an order prohibiting the use of the premises, place or tent that relate to the permit, from being permitted for any of the activities specified in section 93(2) pending final judgment by the court.

(4) An order made under subsection (3) is to be treated as an order made in accordance with the Civil Procedure Ordinance.

(5) A person in respect of whom an order is issued under subsection (4) who does not comply with that order commits an offence and is liable on conviction to imprisonment for six months or a fine of €450 or both.

### **Power of entry**

**98.**—(1) A police officer or any authorised person may, at any reasonable time, including a time when the premises, place or tent is being used, enter any premises, place or tent—

- (a) in respect of which a licence has been issued under section 93 to ensure that the terms and conditions of that licence are being complied with;
- (b) which a police officer or authorised person has reason to believe is being used in breach of section 93.

(2) In this section an “authorised person” is any person authorised by the Chief Officer.

## **PART 10**

### **Clusters of Community Services**

#### **Clusters of Community Services established**

**98A.**—(1) This subsection is left intentionally blank.

(2) This subsection is left intentionally blank.

(3) This subsection is left intentionally blank.

(4) This subsection is left intentionally blank.

(5) This subsection is left intentionally blank.

(6) A services cluster board of a cluster of community services may, within its boundaries lying in the Areas and so far as its financial resources permit, carry out the following functions—

- (a) waste collection management;
- (b) promotion of actions to design and implement projects;
- (c) provision of accounting services with a joint accounting system;

- (d) secretarial services;
- (e) technical support by specialised staff that it may hire;
- (f) public health and cleaning services;
- (g) this paragraph is left intentionally blank;
- (h) services to enforce the provisions of the Dogs Ordinance 2006(a);
- (i) design, maintenance, improvement and cleaning of green areas whose management is undertaken by the cluster or which belong to the cluster;
- (j) any other services that the Chief Officer may decide, following a notification published in the Official Gazette of the Republic that the Republican Minister has decided that other functions should be undertaken;
- (k) services for the organisation of cultural and other events, as well as services to implement actions of social welfare.

(7) This subsection is left intentionally blank.

(8) A services cluster board is to have the name “Community Services Cluster of “A””, where “A” is the name of the community services cluster as stipulated in accordance with the Republican Law.

(9) This subsection is left intentionally blank.

(10) A services cluster board appointed under the Republican Law has legal personality and may sue and be sued.

(11) This subsection is left intentionally blank.

#### **Blank sections**

**98B.** This section is left intentionally blank.

**98C.** This section is left intentionally blank.

**98D.** This section is left intentionally blank.

**98E.** This section is left intentionally blank.

**98F.** This section is left intentionally blank.

**98G.** This section is left intentionally blank.

**98H.** This section is left intentionally blank.

**98I.** This section is intentionally left blank.

## **PART 11**

### **Miscellaneous provisions**

#### **Collection of unpaid fees, charges and taxes**

**99.**—(1) If any rates, fees, rents or charges payable under this are not paid when properly due, the Council may collect them as a civil debt together with an increase as provided in subsection (2).

(1) If any rates, fees, rents or charges payable under this Ordinance are not paid when properly due they shall be increased by ten per cent.

#### **Power to enter premises**

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(a) Ordinance 9/2006.

**100.**—(1) The Head of the Community or any person who the Head of the Community authorises in writing in that behalf may without warrant enter any premises affected by this Ordinance other than a dwelling house or land owned or occupied by the Crown at any time between the hours of 8am and 8pm or, in the case of any business premises at any hour when the business is usually carried on, for the purposes of ascertaining whether the provisions of this Ordinance or any bye-law made thereunder are being complied with.

(1) Any person who prevents or obstructs any person authorised under subsection (1) of this section in the exercise of the powers conferred 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 €200 or to both.

#### **Obstructing officers of Council in their duties**

**101.** Any person who obstructs any officer or servant of the Council in execution of their duties under the provisions of this Ordinance or any bye-law shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding €200 or to both and the Court may order such person to pay to the Council such sum as the Court may deem fit by way of compensation for such obstruction.

#### **Order of Criminal Court for the payment of fees or charges**

**102.** Whenever a person is convicted of an offence under this Ordinance the Court trying the offence shall, in addition to any other penalty it may 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.

#### **Right of the Council to take legal action and be subject to legal action**

**103.** A Council may sue and may be sued in its name.

#### **Blank section**

**104.** This section is left intentionally blank.

#### **Blank section**

**105.** This section is left intentionally blank.

#### **Recourse against a Council decision**

**106.**—(1) 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 appeal to the Chief Officer.

(2) An appeal must be made in writing, signed by the appellant, and must set out the grounds upon which it is founded.

(3) On receipt of an appeal, the Chief Officer must determine whether the decision of the Council is contrary to the Ordinance.

(4) On determining that a decision of the Council is contrary to the Ordinance, the Chief Officer may revoke or amend such decision.

#### **Blank section**

**107.** This section is left intentionally blank.

#### **Blank section**

**108.** This section is left intentionally blank.

#### **Blank section**

**109.** This section is left intentionally blank.

**No person is exempted from the obligation to pay taxes etc.**

**110.** Otherwise than specifically provided in this Ordinance, no person or corporate public or private body shall be exempt from payment of any taxes, fees, rates or charges payable under the Republican law or this Ordinance or any bye-laws made under this Ordinance.

**Board exempted from tax, stamp duties etc.**

**111.** A Council is exempt from—

- (a) stamp duty payable under the Stamp Duty (Adoption of Law) Ordinance 2014(a);
- (b) payment of any tax or fee payable under the Motor Vehicle and Road Traffic (Consolidation) 2006(b) in relation to any motor vehicle belonging to the community;
- (c) payment of any charges under the Immovable Property (Transfer and Mortgage) Ordinance 1966(c).

**Notices served, etc.**

**112.**—(1) A notice, order or other document the service of which is required or authorised under this law may be served by—

- (a) delivering the document to be served to the person or to the residence of the person to whom it is addressed;
- (b) if the document is addressed to a person who owns or possesses premises, by delivering the document or a true copy of it to any person found in the premises or if there is no person in the premises to whom it may be served by affixing the document at a conspicuous place in the premises; or
- (c) sending the document via registered mail, addressed to the person on whom it is to be served, to that person's last known postal address in Cyprus.

(2) A notice required under this law to be delivered to the owner or possessor of any premises may be addressed to the "owner" or "possessor" of the premises (naming the premises) in respect of which the notice is given, without further name or description.

**Byelaws**

**113.**—(1) A Council may 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 a Council to perform any of the duties or functions assigned to it by this Ordinance and to provide for the payment of any rates, fees, rents or charges in connection therewith;
- (b) 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 boundaries of any overlapping community;
- (c) to provide for the payment of fees by the owner of any non-agricultural premises whether let or in the occupation of the owner;
- (d) to provide for the payment of fees by the owner or occupier of any premises used as a hotel, boarding house, lodging-house, or tourist apartment;
- (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;

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(a) Ordinance 27/2014.  
(b) Ordinance 5/2006.  
(c) Ordinance 16/1966.

- (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 grounds of poverty.

**Blank section**

**114.** This section is left intentionally blank.

**Blank section**

**115.** This section is left intentionally blank.

**Special provision for the suspension of the payment of fees for accommodation in hotels etc.**

**116A.** A Council may require any director or business manager of a hotel, tourist lodging, hostel or boarding school to produce, at any reasonable time determined by the Council, the documents and books related to that accommodation of people over ten years old, for inspection and audit by a person determined by the Council.

**Timeframe for the issue of a licence or permit**

**116B.—(1)** A Council must determine an application for a licence or permit under this Ordinance within four months starting from the date of receipt of all documents required for the application.

(1) Where the Council has failed to determine an application as required under subsection (1) the permit is deemed to be granted.

(2) For every application for any licence or permit under this Ordinance, a certificate of receipt of the application must be sent as soon as soon as reasonably practicable stating—

- (a) the deadline for the response as stipulated in subsection (1);
- (b) the means of redress as set out in section 106; and
- (c) a declaration that in case of no response within the time-frame fixed, the permit is deemed to have been granted.

(3) If an application is incomplete, the applicant must be informed without delay about the need to submit additional documents, as well as about the possible consequences regarding the time-frame for processing stipulated under subsection (1).

(4) Where an application is rejected due to non-compliance with the necessary procedures or formalities, the applicant must be informed about the rejection as soon as possible.

(5) The Council may require the production of any documents in their original form if they are issued by another authority or organisation before the granting of the permit applied for.

(6) Where the criteria, terms, conditions or fees for the issue of a licence or permit or any other fees or charges imposed under the provisions of this Ordinance may be determined at the Council's discretion, the Council must publish its decision about such criteria, terms and conditions at least one month in advance, by making a post on its notice board and on the official website of the Council.

## PART 12

### Overlapping communities

**Council Legal Personality**

**117.—(1)** A Council appointed under the Republican Law has legal personality.

(2) A Council is to have the name ““A” Community”, where “A” is the name of the community of that council.

(3) A Council may appear before a court in any proceedings by the Head of Community or by a member of the Council authorised generally or in respect of particular proceedings by the Council.

(4) The service of any summons, order or other proceedings on the Head of Community is deemed to be effective service on the Council concerned.

(5) No court may entertain any challenge in proceedings under this Ordinance to the lawfulness of the election of a Council of an overlapping community, and accordingly it is irrelevant for the purposes of this Ordinance whether such an election took place wholly or partly in the territory of the Republic, the territory of the Areas or elsewhere.

### **Transition**

**118.** Any bye-laws made under the Overlapping Communities Ordinance 2001<sup>(a)</sup> which relate to communities that are not abolished by this Ordinance or the Republican Law are to remain in force until amended or revoked by new bye-laws made under this Ordinance and apply as if and to the extent that they would be made as bye-laws under this Ordinance.

### **Judicial notice to be taken of the Republican Law**

**119.**—(1) A court may take judicial notice of Republican law and of any other Republican document of any description granted or otherwise made under Republican law.

(2) The production of a copy of any part of a Republican enactment may be held by a court to be conclusive evidence, of the due and lawful making of that enactment if it is—

- (a) purporting to be printed by the Government Printer of the Republic, by whatever name called; or
- (b) contained in any of the following publications—
  - (i) a printed collection of enactments purporting to be printed and published by an authority of the Republic; or
  - (ii) an issue of the Official Gazette of the Republic.

(3) For the purposes of this section, a version of any part of a Republican enactment in the English language may be held by the court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question if it—

- (a) purports to be produced by an authority of the Republic;
- (b) is certified as being accurate by an officer of the Administration considered by the court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic;
- (c) is given or produced in the course of oral evidence of a person whom the court considers to be a competent translator for the purpose;
- (d) is stated orally in court or produced in writing by a Registrar or official court interpreter.

(4) For the purposes of this section, the production of a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made or an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence may be held by the court to be conclusive evidence for all purposes of the contents of such document.

### **Delegation of function to the Republic**

**120.**—(1) The function placed on the Chief Fire Officer by section 26(4) is a modified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

(1) The modification applicable to delegation under subsection (3) is that section 17 of the Delegation of Functions to the Republic Ordinance 2007 does not apply in respect of any member of the police force of the Republic who is also a member of the Fire Service of the Republic.

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(a) Ordinance 27/2001.



## **Regulations**

**121.** The Administrator shall have power to make Regulations for the better carrying out of this Ordinance.

## **Crown Exemption**

**122.**—(1) This Ordinance does not apply to the Crown.

(1) No contravention by the Crown of a provision of this Ordinance makes the Crown criminally liable.

(2) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

## **Application to military sites**

**123.** In relation to military sites this Ordinance only applies to the extent that the Administrator, by order made by way of a public instrument, so directs.

## **Repeals**

**124.** The following Ordinances are repealed—

- (a) the Akrotiri Community Ordinance 2001(a);
- (b) the Akrotiri Community (Amendment) Ordinance 2001(b);
- (c) the Akrotiri Community (Amendment) Ordinance 2005(c);
- (d) the Overlapping Communities Ordinance 2001(d);
- (e) the Overlapping Communities (Amendment) Ordinance 2007(e)

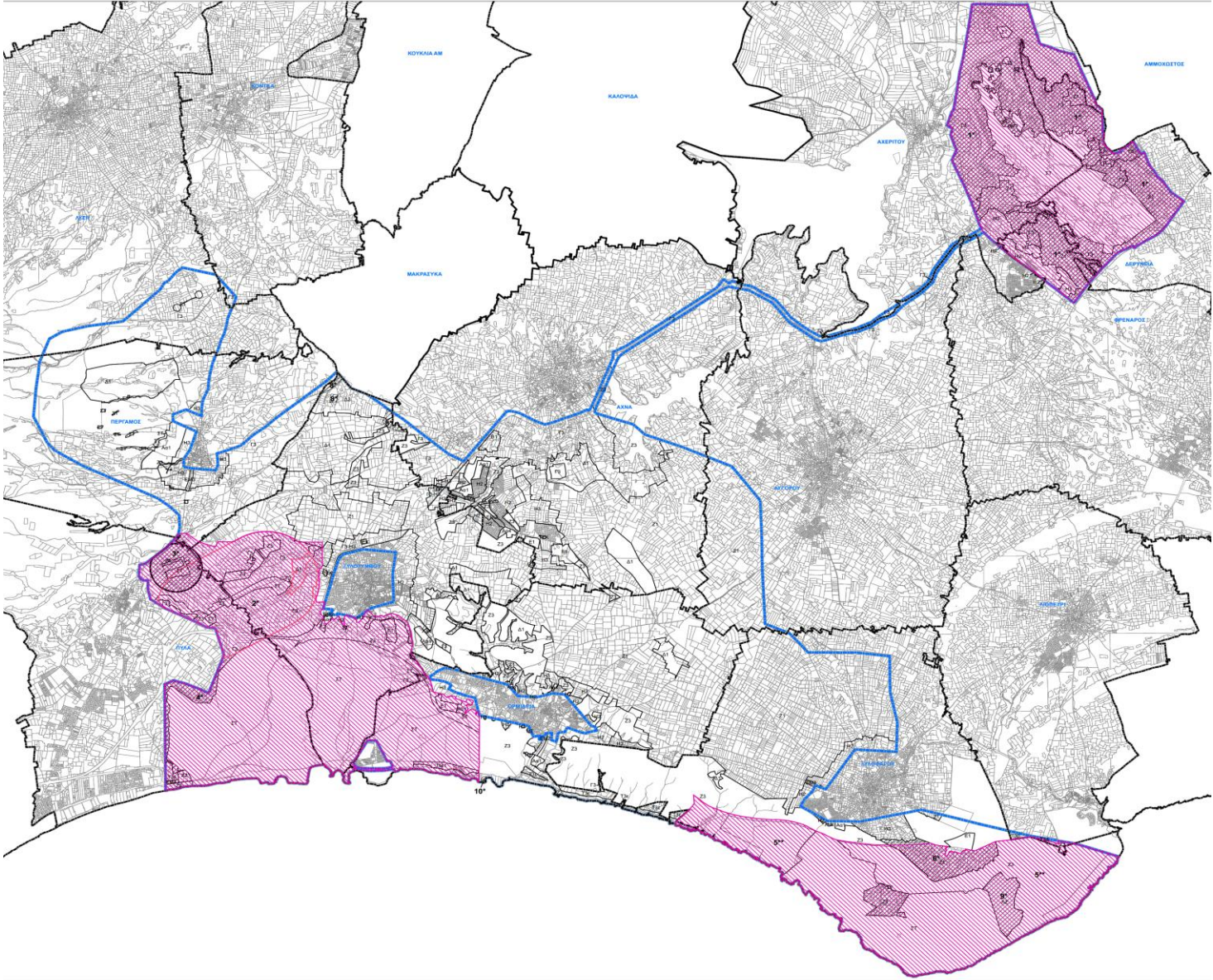
## **Consequential Amendments**

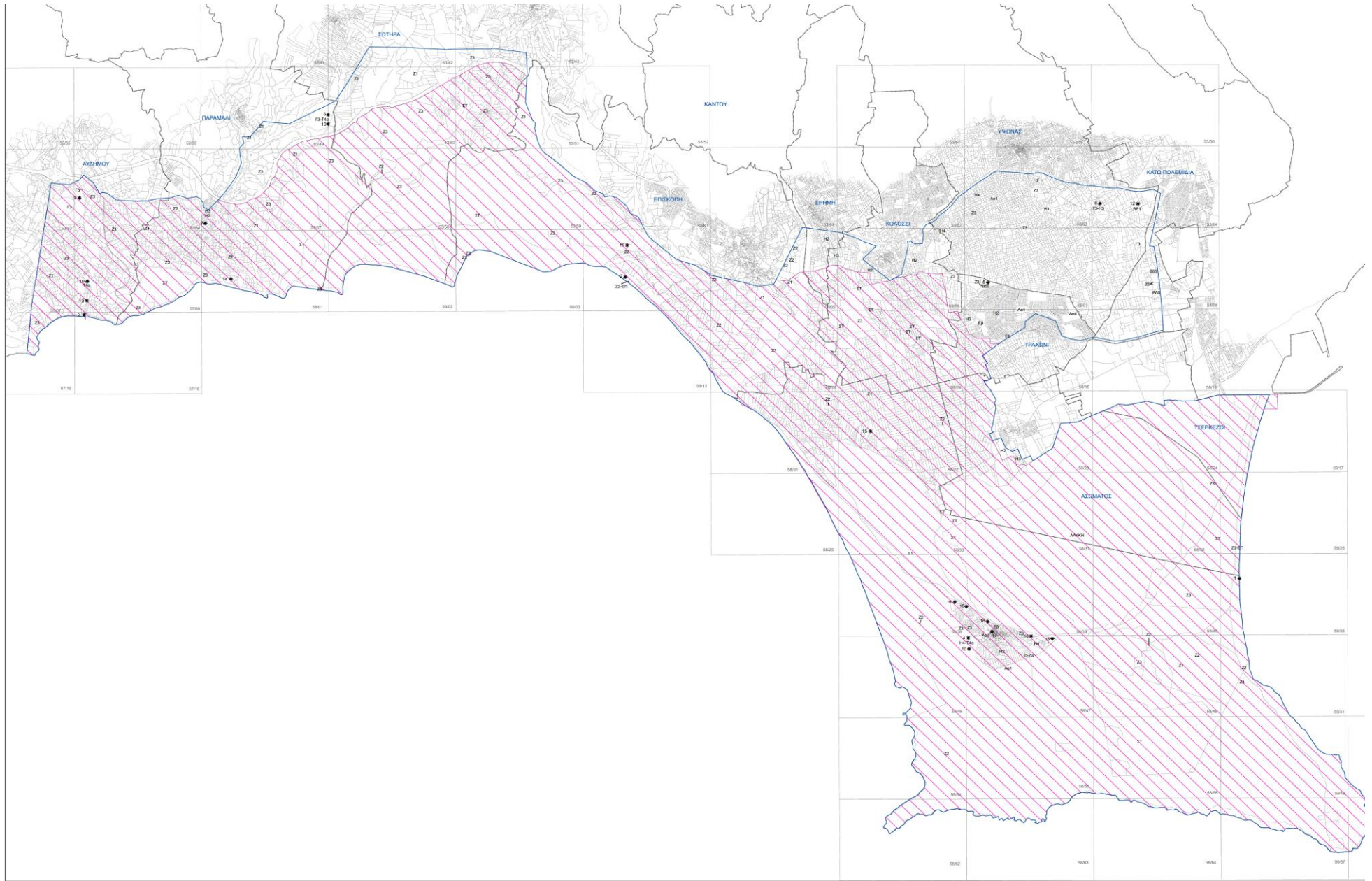
**125.** In Schedule 1 of the Interpretation Ordinance 2012(f) in the definition of “Overlapping community” for “section 2 of the Overlapping Communities Ordinance 2001” substitute “section 2 of the Overlapping Communities Ordinance 2024”.

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(a) Ordinance 23/2001.  
(b) Ordinance 24/2001.  
(c) Ordinance 26/2005.  
(d) Ordinance 27/2001.  
(e) Ordinance 25/2007.  
(f) Ordinance 08/2012.

SCHEDULE  
Sensitive Areas





## EXPLANATORY NOTE

*(This note is not part of the Ordinance)*

- 1.** This explanatory note relates to the Overlapping Communities Ordinance 2024 (“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.** This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance.
- 3.** This Ordinance repeals and replaces the Akrotiri Community Ordinance 2001 and the Overlapping Communities Ordinance 2001.
- 4.** The purpose of the Ordinance is to mirror certain provisions in the Republic’s Communities Law (86(I)/1999) (as amended) (“the Communities Law”). To assist in identifying the correct provision in this Ordinance, some sections are intentionally left blank to ensure that, as far as possible, the numbering of the sections in the Ordinance corresponds with that of the Communities Law.
- 5.** The parts and sections that have been left blank relate to the following parts in the Communities Law and which are not necessary for replication within the Areas: Part 3 (Composition of Community Authorities), Part 4 (Community Councils and Elections of Community Councils), Part 5 (Administration of Communities) and Part 6 (Council Employees).
- 6.** Part 2 of the Ordinance sets out who will be part of each Community.
- 7.** Part 7 of the Ordinance sets out various provisions relating to how a Council may deal with movable and immovable property. Section 63 sets out how a Council may compulsorily purchase immovable property.
- 8.** Part 8 of the Ordinance contains provision relating to the Council’s ability to be able to charge and collect an immovable property fee.
- 9.** Part 9 of the Ordinance sets out the duties and powers of the Councils that have legal status in the Areas as relates to their responsibilities in the Areas. There largely mirror those in the Communities Law but there are duties and powers that do not apply in the Areas or apply with certain qualifications. All functions of the Councils are subject to the relevant law of the Areas.
- 10.** Part 10 of the Ordinance establishes that Clusters of Community Services Boards that have administrative boundaries that extend into the Areas have a legal status in the Areas. This Part also explains what the duties of these Boards are in relation to their administrative boundaries that extend into the Areas.
- 11.** Part 11 of the Ordinance mirrors a range of miscellaneous provisions in the Communities Law.
- 12.** Part 12 of the Ordinance sets out a number of bespoke provisions that do not mirror anything in the Communities Law that relate specifically to overlapping communities in the Areas. It establishes that a Council of a Community that has boundaries that extend into the Areas and appointed in accordance with the Communities Law has legal status in the Areas.

**SBA/AG/2/COM/241**

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