
**OVERLAPPING MUNICIPALITIES ORDINANCE
2024**

An Ordinance to provide for the administration of overlapping municipalities.

PJM Squired 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 Municipalities Ordinance 2024.
- (2) 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 municipality;

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

“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 His Government in the United Kingdom;

“overlapping community” has the same meaning as in the Overlapping Communities Ordinance 2024(c);

“overlapping municipality” means any municipality in the Republic the municipal boundaries of which extend into the territory of the Areas;

“Republican Law” means the Municipalities Law(d) including any amendment made to that law (whether enacted before or after this Ordinance);

“seashore” has the same meaning as in the Seashore Protection Ordinance 2013(e);

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

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

PART 2

Establishment and constitution of municipalities

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(a) Ordinance 4/2010, to which there are amendments not relevant to this Ordinance.
(b) Ordinance 5/2007.
(c) Ordinance 13/2024
(d) Law 52(I)/2022.
(e) Ordinance 10/2013, to which there are amendments not relevant to this Ordinance.

Legal personality

6. A Council appointed under the Republican Law has legal personality and can sue and be sued in the Areas.

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Status of municipal resident

11.—(1) A citizen of the Republic or of a member state of the European Union who usually resides in the Areas within an overlapping municipality is a member of the overlapping municipality in which they reside and must register with that municipality in accordance with the Republican Law.

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

Special cases of acquisition of the status of municipal resident

12.—(1) A child born to married parents is a member to the overlapping municipality where their father or mother is a member.

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

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

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

(4) A person who is adopted before reaching adulthood is, following their adoption, a member of the overlapping municipality 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 (2) apply to the adopted child.

PART 3

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PART 4

Powers

General framework of powers

42.—(1) A Council shall manage and regulate all local affairs within its competence set out in section 43, with the aim of protecting, developing and continuously improving the interests and quality of life of the local community as a whole, as well as the natural and built environment.

(1) A Council shall be responsible for the administration of all local affairs within its competence set out in section 43.

Areas of competence

43.—(1) Taking into account the provisions of the Republican European Charter of Local Administration (Ratification) Law(a), each Council may exercise, within its municipal boundaries, the competences set out in subsection (2) having considered the following—

- (a) the Republic policy defined in each case and the policies of the European Union relating to their competences;

(a) Law 8(III)/2013.

- (b) the need for coordination and cooperation with governmental agencies and other local authorities and bodies exercising parallel competence;
 - (c) the resources available to ensure their beneficial, efficient and balanced distribution, as well as sound financial management;
 - (d) the organisation of the provision of services, in order to better serve the residents of the municipality; and
 - (e) the need for high quality environmental protection and protection of cultural heritage.
- (2) A Council may, within the municipality boundaries lying in the Areas, carry out competences in the following areas set out in paragraphs (a) to (e)—
- (a) Development and infrastructure, including—
 - (i) the preparation of local programmes for the protection and upgrading of the natural, built and cultural environment and the aesthetics of residential settlements;
 - (ii) the management, development and exploitation of municipal property and construction, the maintenance and management of buildings belonging to or occupied by the municipality;
 - (iii) the management of hazardous buildings, as specified in section 52;
 - (iv) with the approval of the Chief Officer, the establishment and operation of municipal transport, as specified in section 49, and the promotion of sustainable mobility and accessibility for all municipal residents;
 - (v) the preparation of studies for the construction, maintenance, cleanliness, lighting and use of roads, bridges, pavements, pedestrian roads and cycling roads, falling within municipal boundaries, the control of the construction, conversion, closure or change of direction of roads, bridges, pavements, pedestrian roads and cycling roads and the prevention in any way of any obstruction of the free use of a road, bridge, pavement, pedestrian road or cycling road or any other common area within the municipal boundaries;
 - (vi) with the approval of the Chief Officer, the maintenance, cleanliness, lighting and free use of roads of primary importance situated within municipal boundaries, with the exception of motorways;
 - (vii) with the approval of the Area Officer, the naming of all streets by affixing appropriate signs to prominent parts thereof and numbering all roadside premises;
 - (viii) the construction, maintenance, operation and management of public parking areas;
 - (ix) this paragraph is left intentionally blank;
 - (x) the installation, operation and supervision of the operation of swimming pools and licensing of such swimming pools, subject to the provisions of the Public Swimming Pools Ordinance 2000^(a), ensuring that the prescribed terms in relation to the safety of bathers, the purity of water, the creation of adequate infrastructure and facilities to serve the public, the fulfilment of high quality cleanliness and health conditions and the supervision of the legitimate use and management of swimming pools are complied with;
 - (xi) to provide for the establishment and operation of burial ground subject to the provisions of Cemeteries (Burial and Exhumation) Ordinance 2016^(b) and Cemeteries of Religious Communities (Burial and Exhumation) Ordinance 2016^(c);
 - (xii) the creation of light industrial areas and regulation of the management, supervision, and control of their operation;
 - (xiii) apart from in the sensitive areas, the management, development, maintenance, and improvement of green areas ceded to the municipality to manage, or which are

(a) Ordinance 14/2000.
 (b) Ordinance 14/2016.
 (c) Ordinance 15/2016.

- owned by the municipality, as well as the planting of trees along public roads, by placing protective shelters where necessary;
- (xiv) the establishment, construction, maintenance, and management of municipal markets, for the purpose of the sale of perishable goods, in accordance with the specific applicable legislation, as well as defining the rights of use;
 - (xv) with the approval of the Chief Officer, the establishment of places for the placement of outdoor advertisements, as well as to define specific specifications and conditions for the placement of advertisements, to ensure the safe and uninterrupted use of public roads and public places by the public, as well as the aesthetics of the surrounding area; and
 - (xvi) the provision of weighing facilities as required under section 57;
- (b) Cleanliness, health, and quality of life, including—
- (i) apart from in the sensitive areas, the exercise of control for the preservation and protection of the good appearance of the municipality and the protection of its natural environment and taking any measure or construction of any necessary or useful works for the fulfilment of the above purposes;
 - (ii) subject to section 47, the control and care for public health, the hygiene of foodstuffs and beverages intended for human consumption, the cleanliness and hygiene of premises or areas where such foodstuffs or beverages are prepared, sold, displayed for sale or consumed, as well as of appliances used in such premises or areas, including machinery, tools and objects, and taking the necessary measures to safeguard and protect public health;
 - (iii) the cleanliness and hygiene of the municipality, the collection, disposal, management and treatment of refuse and waste, for which it may levy refuse collection fees, as specified in the provisions of section 46, the control and prevention of the accumulation of refuse and waste, in any public or private premises or areas, in non-approved places or not in the approved manner, as well as the supply and hygiene of public rubbish bins or other bins or places for the temporary placement and collection of refuse and all necessary measures to eliminate and remove any dirt or waste and to limit any associated nuisance;
 - (iv) the construction, maintenance and operation of public showers, toilets, and other sanitary facilities, as well as regulation of their hygiene and the fees payable for their use;
 - (v) the regulation of the operation of leisure and recreation areas, determining the opening hours of premises which do not fall under the provisions of the Places of Entertainment Ordinance 1999(a), in a manner consistent with the quiet hours, the control of noise pollution and the emission of pollutants, noise and other burdens affecting the natural, cultural and architectural environment, as well as the aesthetic, physiognomy and general functions of the municipality, as defined in the provisions of section 55;
 - (vi) in accordance with section 56, the regulation, control, restriction, or prohibition of the pursuit of any trade, business, profession, or work which may be harmful to public health or a source of public danger or nuisance or nuisance to residents residing in the area or where this is in the public interest;
 - (vii) with the approval of the Chief Officer, care for and take measures to protect the lives and property of residents and the cultural heritage, including licensing of excavations and other works, as specified in the provisions of section 51, checking the signage of works carried out on the roads and the fulfilment of these obligations by those who carry out works and place materials and tools on the roads, carries out control to protect against hazardous buildings and take health and safety measures in relation to works carried out, in compliance with the provisions of the Health and Safety at

(a) Ordinance 2/1999, as amended by 23/2000, 8/2010, 10/2022 and 11/2022.

- Work Ordinance 1999(a), and more generally against activities which pose a risk to the lives and property of residents;
- (viii) the regulation and prohibition of the maintenance, rearing, or keeping of any animals or birds without respecting legal requirements, as well as care for stray animals, excluding wild animals, by establishing shelters, and the regulation of the transit of any animals through or on any road within municipal boundaries, in accordance with the conditions laid down by law;
 - (ix) the regulation of hawking whether mobile or immobile, as specified, in the provisions of section 59; and
 - (x) with the approval of the Chief Officer, the provision of digital and electronic facilities regarding the municipal services provided to citizens;
- (c) in the field of social welfare and social cohesion, including—
- (i) the implementation of policies or the participation in actions and programmes aiming at the welfare, support and care of socially vulnerable groups through the provision of health services and the promotion of mental health, such as the establishment of municipal clinics, health education centres, support and rehabilitation centres for persons with disabilities, mental health centres, counselling for victims of domestic violence and violence against cohabitants and prevention centres against addictive substances, as well as paramedical services and first aid;
 - (ii) the provision of social welfare services through the establishment, maintenance and operation of rest homes and charitable or philanthropic centres, the management, operation and maintenance of public social infrastructure and the establishment, maintenance and operation of nurseries and crèches, centres for the employment of children and adolescents, youth centres, open care and day-care centres, leisure and recreation centres for the elderly, nursing homes and counselling and psychological support services, as defined in section 48;
 - (iii) the implementation of policies or participation in actions aimed at supporting and socially caring for infants and children, adolescents and the elderly and the study and implementation of relevant social programmes;
 - (iv) the support of homeless and financially poor municipal residents by providing aids, livelihoods and care to residents facing serious maintenance problems and the construction, maintenance, and operation of municipal housing, in accordance with the conditions laid down by the municipality;
 - (v) the design, organisation, coordination and implementation of programmes and initiatives to prevent delinquency;
 - (vi) with the approval of the Chief Officer, the participation in action plans and programmes and initiatives for the implementation and development of policies to promote employment and the social inclusion of different categories of unemployed and contribution to the absorption of the workforce in their region, by developing counselling actions provided free of charge to the unemployed, with the aim of supporting and encouraging them to find employment, as well as promoting equal opportunities for access to the labour market, by setting up municipal information services, in cooperation with the relevant public bodies and enterprises in the region;
 - (vii) with the approval of the Chief Officer, the design and implementation of programmes or the participation in programmes and actions for the integration of migrants and refugees into the social, economic, and cultural life of the local community;
 - (viii) the design and implementation of programmes or the participation in programmes and actions to promote and enhance entrepreneurship and the provision of vocational training services, adapted to local needs and specificities, in the context of public policy and European policies; and

(a) Ordinance 6/1999, as amended by 42/2003.

- (ix) the promotion and development of volunteering, by establishing local networks of volunteer organisations and groups of volunteers carrying out activities to achieve the objectives and assist the work of social protection and social cohesion;
- (d) in the field of education and culture, which includes—
 - (i) the management and improvement of the specialised infrastructure and equipment of public pre-primary, primary and secondary schools, and in particular the maintenance, cleaning and guarding of school buildings, as well as the repair, maintenance and development of traditional and historic school buildings and buildings granted by public and private bodies;
 - (ii) the establishment and operation of cultural and intellectual centres, theatres, museums, libraries, galleries, cinemas, music halls, orchestra, choir, philharmonic, dance groups, visual arts centres, creative employment centres and traffic education parks;
 - (iii) with the approval of the Chief Officer, the organisation and participation in cultural and recreational events and the implementation of policies to encourage intellectual, artistic, cultural, educational, sporting and any other similar activity or event, including rewarding persons, associations or institutions distinguished in any of the above mentioned activities;
 - (iv) the construction, maintenance, and management of sports facilities, such as municipal gyms, sports centres and municipal sports venues, the promotion and implementation of programmes to support grassroots sport and the organisation of sports events, in collaboration with the Cyprus Sports Organisation;
 - (v) with the approval of the Chief Officer, the implementation of policies for the promotion and protection of local culture, the development of cultural tourism, the promotion of cultural goods and contemporary cultural works produced locally, as well as the study and implementation of cultural programmes;
 - (vi) the protection of museums, monuments, caves, as well as archaeological and historical sites of the area and their facilities, in cooperation with the Department of Antiquities;
 - (vii) the establishment and operation of a municipal radio station;
 - (viii) the twinning and any other cooperation with local government authorities in the island of Cyprus and abroad, which aim at the creation and strengthening of cultural links and the promotion of the general principles of local self-government, and
 - (ix) in accordance with section 46, the licensing, regulation, control, or prohibition of the operation of any theatres, premises, and buildings, temporary or permanent accommodation indoors or outdoors, intended for the presentation of public spectacles, public performances or artistic events, and the imposition of a public show fee;
- (e) in the field of security and civil protection, which includes—
 - (i) this paragraph is left intentionally blank;
 - (ii) this paragraph is left intentionally blank;
 - (iii) this paragraph is left intentionally blank;
 - (iv) the participation in and implementation of programmes, measures and actions concerning their area, in cooperation with the competent authorities, during the preparation and updating of the emergency plans, and formulation of recommendations regarding the civil protection planning of their area, as well as the provision of the necessary personnel and means for the prevention, preparedness, response and rehabilitation of disasters in the municipality concerned; and
 - (v) this paragraph is left intentionally blank;
- (f) in the field of environmental protection and the fight against climate change, which includes—
 - (i) the preparation of studies to reduce the energy footprint in the municipality;

- (ii) the establishment of a plan to combat the effects of climate change, including by adopting systems to implement and monitor the horizontal implementation of the National Strategy for Adaptation to Climate Change, as revised from time to time;
- (iii) the participation in and implementation of programmes, measures, and actions to disseminate information and to take measures to prevent and mitigate the effects of climate change, autonomously or in cooperation with other competent authorities and bodies; and
- (iv) this paragraph is left intentionally blank.

(3) This subsection is intentionally left blank.

Licencing authority

44.—(1) Subject to subsection (2) and (3) a Council may, within its municipal limits, issue the following—

- (a) with approval of the Area Officer, a business permit for a place of entertainment and amusement, as determined under section 55;
- (b) a licence to broadcast sound or use of sound amplifiers;
- (c) this paragraph is left intentionally blank;
- (d) subject to subsection (4), a licence to market or sell manufactured tobacco,
- (e) subject to subsection (4), a licence—
 - (i) to operate gaming machines, dexterity machines and entertainment machines, and
 - (ii) for “Kazandi” gaming pursuant to Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985(a),
- (f) a license to operate a public swimming pool under the provisions of the Public Swimming Pools Ordinance 2000(b);
- (g) this paragraph is left intentionally blank;
- (h) this paragraph is left intentionally blank;
- (i) this paragraph is left intentionally blank;
- (j) subject to subsection (5), a licence to place and display advertisements pursuant to the Display of Advertisements (Control) Ordinance(c) and the Town and Country Planning Ordinance 2022(d);
- (ja) a licence to operate a petroleum products service station;
- (jb) this paragraph is left intentionally blank;
- (jc) with the approval of the Chief Officer, a road excavation licence pursuant to section 51;
- (jd) a licence for the use of a road owned by the municipality; and
- (je) any other license the municipality has the power to issue under the provisions of this Ordinance.

(2) A Council may impose such conditions or restrictions on any licence issued under subsection (1) as it deems necessary and may suspend or revoke any licence if the licensee breaches any terms of the licence.

(3) A Council must not issue a licence for activity on land owned or operated by the Crown in right of His Majesty’s Government of the United Kingdom.

(4) A Council must obtain approval from the Police Service before issuing a licence under subsection (1)(d) and (e).

(a) Ordinance 10/1985, amended by 1/1996, 30/2005, 18/2006, 5/2013 and 2/2015

(b) Ordinance 14/2000.

(c) Cap 50, 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.

(d) Ordinance 10/2022

(5) A Council must obtain approval from the Chief Officer when issuing a licence under subsection (1)(j) in the sensitive areas.

Examination of applications for licencing

45.—(1) An application for a licence or permit under this Ordinance must be determined within four months starting from the date of receipt of all documents required for the application.

(1) A licence or permit is deemed to be granted if the application is not determined under subsection (1).

(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 that the applicant has in case of a negative determination of the application; and
- (c) depending on the case and where applicable, a declaration that in case of no response within the time-frame fixed, the permit is deemed to have been granted;

(3) If a licence or permit 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 licence or 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 are stipulated in the discretion of the Council, the Council must publish its decision about such criteria, terms and conditions at least one month in advance, by making a post on the notice board and on the official website of the Council.

Power to impose fees

46. A Council may impose and collect fees for—

- (a) licences or permits granted in accordance with this Ordinance or Municipal regulations;
- (b) the immovable property fee prescribed in section 104;
- (c) refuse collection, levied on the owner or occupier of the immovable property or the premises in accordance with the Republican Law;
- (d) a public spectacle calculated at a rate not exceeding ten percent of the price paid for admission to any public spectacle venue and in accordance with the Republican Law;
- (e) for any person over ten years of age, for every overnight stay at—
 - (i) a hotel,
 - (ii) tourist accommodation,
 - (iii) self-catering accommodation, or
 - (iv) any other accommodation,levied on any manager or owner of the accommodation.
- (f) each horse-race bet and each horse-race lottery, whether carried out within or outside the hippodrome, amounting to one per cent of the amount of each horse-race bet or each horse-race lottery ticket, as the case may be, which is carried out in respect of a horse-race situated within the municipal boundaries of any municipality; and
- (g) for any licence, permit, permission of service that the Council has the power to issue or provide under the provisions of this Ordinance.

Health inspections

47.—(1) Subject to subsection (3), a Council, provided that they have the appropriate staffing in accordance with the guidelines of the Republican Health Services of the Ministry of Health, must take measures to control—

- (a) the hygiene of food and beverages intended for human consumption; and
- (b) the cleanliness and hygiene of the premises or areas where foods or beverages for human consumption are prepared, sold, displayed for sale or consumed, as well as the devices used in these premises or areas, including machinery, tools and items.

(2) A Council may exercise powers of seizure and destruction or disposal of any food, machinery, tool or item, if considered to be harmful to public health or likely to cause the spread of any infectious disease, as part of taking all necessary measures to safeguard and protect public health.

(3) The obligations and powers in subsection (1) and (2) do not extend to establishments on military sites.

Provision of social welfare services

48.—(1) A Council may engage in social and welfare services by the establishment, maintenance and operation of—

- (a) rest centres;
- (b) charitable or philanthropic centres;
- (c) public social infrastructure;
- (d) nurseries and crèches;
- (e) employment centres for children and adolescents;
- (f) youth centres;
- (g) open care or day care centres;
- (h) entertainment and recreation centres for the elderly; and
- (i) nursing homes.

(2) Each municipality may participate in the subsidy schemes of local authorities.

Municipal transport

49.—(1) A Council, with the approval of the Chief Officer, may deliver public transport projects to serve the transport of local residents.

(1) In order to carry out the work to deliver a project a fare of a contributory nature to cover the operational needs may be imposed by determination of the Council.

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Power to excavate roads

51.—(1) Without prejudice to any requirement contained in any other Ordinance, a person must not within the boundaries of an overlapping municipality, without a permit in writing from the Council—

- (a) excavate, open up or in any way interfere with any road or place;
- (b) keep on or under any road a water pipe or any other pipe, conduit, cable or other items, things or materials of any kind; or
- (c) open up a sewer, manhole or absorption pit.

(2) Any expenses incurred in lifting any manholes, moving or setting underground networks and generally moving any other utility equipment or electronic communications providers, due to municipal road improvement works, shall be borne by the utility authority or the electronic communications provider who owns the affected networks, manholes or other equipment concerned.

(3) If the Council grants a permit for activity set out subsection (1)(a) to (c), the Council may impose on the permit conditions as follows—

- (a) the starting time for carrying out the work and the period of time for carrying out and completing the work;
- (b) the manner in which this work is to be carried out;
- (c) the measures to be taken by the applicant before, during and after carrying out the work for which the permit has been issued to ensure the safety of passers-by and the unobstructed use of the road;
- (d) the materials to be used by the applicant for the purposes of the construction of such work;
- (e) the payment of an amount reasonably calculated each time to reimburse all the expenses incurred by the Council for the repair and restoration of the affected road to its former condition;
- (f) the requirement, prior to the issuance of the requested permit, of a bank or other satisfactory security in favour of the Council, for any damage, loss or damage the Council may suffer or for any compensation which the Council may be obliged to pay for or in relation to any judicial measures to a third party or third parties for any damage, loss or fault which that person or those persons may suffer, either directly or indirectly, or as a result of or as a result of the applicant's performance of the work for which the permit was issued to it pursuant to the provisions of this section, or such damage, loss or fault was caused during such works or within a reasonable time thereafter; and
- (g) the carrying out of any other act or refraining from carrying out any act specified by the Council so as to protect the affected road or the safety and convenience of those using it or its neighbours.

(4) A person commits an offence and is liable on conviction to a fine of €340 if that person—

- (a) contravenes subsection (1); or
- (b) breaches any conditions to which a permit is subject under subsection (3).

Hazardous buildings

52. Where it is established that any building which is within its municipal boundaries, is in such a condition as to be dangerous to the public the Council must take action to remove such danger in accordance with the Building Standards (Adoption) Ordinance 2022(a).

Maintenance of school units

53.—(1) Subject to subsection (2) every Council must undertake the financial management of the schools located within its municipal boundaries, for the maintenance of the school units and, as the case may be, it shall recruit staff, supervise, evaluate, dismiss, transfer the auxiliary staff it recruits, cooperate with the school departments and the advisory committees of the schools for their proper functioning and exercise any other power, taking into account—

- (a) the resources specifically and exclusively earmarked for this purpose in its budget, the need for efficient and rational use and a balanced distribution thereof between schools, within the context of the financial capacity of the municipality, and
- (b) the need for quality upgrading and modernisation of school buildings and their equipment.

(2) Subsection (1) does not apply to schools that are operated by the Crown.

Management of the seashore

54. Every Council of an overlapping municipality that has a seashore within its boundaries must implement a plan to clean the beaches within its boundaries.

Operation of places of entertainment

(a) Ordinance 11/2022.

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

(1) The activities specified are—

- (a) using any building, undertaking, place or tent for any theatrical, dance, cinema or musical performance or for any cultural, social, recreational, or sporting activity or for any public show;
- (b) using any building, undertaking, place or tent with an area of more than fifty square meters as a music and dance centre, whether or not it has live music, as a disco, a pub or a bar or for any other recreational purposes;
- (c) using any building, premises, place, or tent with an area exceeding fifty square meters as a restaurant, tavern, snack bar, cafeteria, or pizzeria or for any other related purpose, where food or drink services are offered; or
- (d) operating an amusement park, billiard room, or any other place of entertainment in which electrical or electronic games are used.

(2) 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 the sensitive areas; or
- (b) by the Council where the activities take place anywhere else in the Areas.

(3) A licence 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;
- (b) a certificate issued by the civil engineer of the overlapping municipality 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, 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 Republican Department of Electrical and Mechanical Services 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 from the relevant municipal hygiene service that the undertaking of the premises, area or tent comply with the requirements of this Ordinance; and
- (f) where the applicant is not the owner of the premises, an agreement to rent or use the building, premises, place or the tent.

Licence to be granted and form of licence

55A.—(1) A licence granted under section 55 is to be—

- (a) issued to the owner, tenant or person in possession of the premises, place or tent where the activity is to take place; and
- (b) in the form and with conditions as determined by the Council in accordance with the Republican Law.

(2) The Council may impose a fee in respect of a licence issued under section 55 as may be determined by municipal regulations made under this Ordinance.

Supervision by an employee

55B.—(1) If a Council grants a licence under section 55 and that licence includes a condition that the premises, place or tent is to be used for the purpose for which the licence is granted exclusively under the supervision of an employee of the undertaking to whom the licence is issued or a person named in the licence (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 6 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 licence

55C. The Council may suspend or revoke any licence issued under section 55 if—

- (a) the licensee does not comply with the conditions of the licence;
- (b) any of the requirements specified in section 55(4) are revoked or are no longer valid; or
- (c) any law governing the activity in question is breached.

Criminal offences related to theatres etc.

55D.—(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 55(1) or authorises, tolerates or permits any premises, place or tent to be used in contravention of section 55(1) or in breach of any of the conditions of a licence issued under that section.

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

- (a) revoke a licence issued to that person under section 55;
- (b) prohibit that person from obtaining any other licence under section 55; or
- (c) impose conditions on any other licence issued under section 55 held by that person.

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

(4) If proceedings are commenced for a breach of this section, the court may, on the application of the Council, suspend any licence and prohibit the use of the premises, place or tent for any of the activities specified in section 55(2) pending final judgment by the court.

(5) An order made under subsection (4) is to be made in accordance with the Civil Procedure Ordinance^(a) and the Courts (Constitution and Jurisdiction) Ordinance 2007^(b).

(6) 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 6 months or a fine of €10,000 or both.

(a) Cap 6, 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) Ordinance 5/2007.

(7) A police officer may at any reasonable time enter any premises, building, area or tent for which a licence has been issued under this section 55—

- (a) to establish whether the terms and conditions of a licence or provisions of this Ordinance are being complied with, or
- (b) if they have reasonable grounds to believe that it will be used in breach of the provisions of this Ordinance.

Regulation of professions and trades

56.—(1) Subject to subsections (5) and (6), no person may carry on any business, trade, work or occupation for profit within the boundaries of an overlapping municipality unless authorised by a permit issued by the Council.

(2) A Council may impose a fee for issuing a permit to carry on any business, trade, work or occupation for profit which must not exceed the amount specified in the Republican Law.

(3) A Council may request additional information from a person for the purposes of determining the fee under subsection (2).

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

(5) A permit under this section must not be issued for an activity referred to in section 55.

(6) 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 the His Majesty's Government of the United Kingdom.

(7) A person that fails to provide the information as requested under subsection (3) commits an offence and is liable on conviction to a fine of €500.

Offences of carrying on a business etc. without a licence

56A.—(1) A person commits an offence and is liable on conviction to a fine of €500 if that person carries on a business, trade, work or occupation for profit within the boundaries of an overlapping municipality without—

- (a) submitting an application under section 56 within 1 month of starting to carry on such business, trade, work or occupation; or
- (b) making an application to renew a permit issued under section 56 within 1 month of its expiry.

(2) A person commits an offence and is liable on conviction to a fine of €1000 if that person carries on a business, trade, work or occupation for profit within the boundaries of an overlapping municipality and fails to provide the municipality with fees requested in accordance with section 56(2).

Weighing

57.—(1) Every Council must provide facilities for the weighing, measuring or testing of any goods delivered within the boundaries of the overlapping municipal which may be used at the request of the buyer or seller of goods.

(1) Upon completion of any weighing, measurement or testing under this Ordinance, the municipal weigher shall enter in a book kept for that purpose full details of the transaction and the charge to be paid in respect thereof and, upon receipt of the defined charge, he shall give the person who requires such weighing, measurement or testing, a certificate stating the details requested and the amount of the charges paid.

(2) The Council may prescribe such fees in respect of the use of the facilities referred to in subsection (1) as may be determined by municipal regulations made under this Ordinance.

Weighing at the request of a customs officer

57A.—(1) A customs officer may, in discharging their duties, request the Council to weigh any goods or items within the boundaries of the municipality.

(2) Any fees relating to the weighing of goods under subsection (1) are to be paid by the owner of the goods.

Transactions to be recorded and certificate issued

57B. A person appointed by the Council to weigh, measure or test goods is to record the details of any weighing, measuring or testing under this Ordinance and on payment of the prescribed fee under section 46 is to issue to the person who requested that the goods be weighed, measured or tested a certificate setting out the results of the weighing, measuring or testing of the goods and the amount of the fee paid.

Failure of a person appointed to weigh goods

57C. Any municipal weigher who—

- (a) erroneously or inaccurately weighs, measures, or tests any goods or items required to be weighed, measured, or tested in accordance with this Ordinance; or
- (b) makes any false entry or issues of a false certificate or false signature, in relation to weighing, measuring, or testing for the purpose of fraud;

is guilty of an offence and liable upon conviction to a fine not exceeding €800 or to imprisonment for a period not exceeding six months or both.

Display of advertisements

58.—(1) A person must not display an outdoor advertisement, within the boundaries of an overlapping municipality, unless they have a licence from the relevant Council.

(1) A Council may determine the terms and conditions of the licence to display an outdoor advertisement.

(2) If a person is in breach of the terms of a licence to display an outdoor advertisement a Council may apply to the court for an application to remove the advertisement.

(3) A Council may remove any outdoor advertisement that is displayed on road lighting or traffic lights or any other place that the Council determines would cause a risk to public safety.

Hawking

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

(2) The Council may, subject to 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 1 month, 3 months, 6 months or 1 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 €1000.

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PART 5

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PART 6

Budget, medium term budgetary framework and financial management

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Municipal property fee

- 104.**—(1) A Council may charge a tax, known as the “municipal property fee”, not exceeding—
- (a) 0.5% of the value of any immovable property within the municipal boundaries; or
 - (b) a discounted rate calculated in accordance with the Republican law.
- (2) For the purpose of subsection (1) 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).
- (3) The municipal property fee is to be paid into the Municipality Fund.

Exemptions

- 105.**—(1) An municipal 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(b);
 - (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 municipality;

(a) Cap 22, 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) Ordinance 12/1975

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

Collection of municipal property fee

106.—(1) A municipal 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), is collected by the Council of that overlapping municipality.

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

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

Dates when municipal property fees are payable etc.

106A.—(1) An municipal property fee is payable on the date specified by the Council in the year on which the fee is imposed.

(2) If, for any reason, an immovable property fee is not collected from the proprietor of the property, the fee may instead be paid by the person in possession of the property.

(3) A person in possession of immovable property who has paid the immovable property fee in accordance with subsection (2) is to be reimbursed by the proprietor or may deduct the amount of the fee from any payment due under a lease after the date of payment.

(4) If a municipal property fee is not paid by the date specified by the Council within the year in respect of which it was imposed, an amount equal to the maximum permissible interest rate in the Republic may be added to it.

(5) A proprietor of immovable property who fails to pay the municipal property fee on immovable property within 30 days of the date specified by the Council is guilty of an offence and liable on conviction to a fine not exceeding €350.

Exemption of municipalities from certain taxes

107. A Council is exempt from—

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

Imposition of municipal taxes, duties, fees and other charges

108.—(1) Other than provided for in this Ordinance, no person, corporation, public or private body is to be exempt from paying any taxes, charges, fees, municipal entry charges on goods or

(a) Ordinance 8/1964, as amended by 12/2008.

(b) Ordinance 27/2014.

(c) Ordinance 5/2006.

(d) Ordinance 16/1996.

additional charges payable under this Ordinance or under any municipal regulations made under this Ordinance.

(1) Nothing in this Ordinance requires the Crown to pay any taxes, charges, fees, municipal entry charges on goods or additional charges otherwise payable under this Ordinance.

PART 7

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PART 8

Nuisance, offences and court proceedings

Meaning of “nuisance”

118.—(1) For the purposes of this Ordinance the following are nuisances in respect of which action may be taken under this Ordinance—

- (a) any premises being in such a condition as to cause nuisance or be harmful to health;
- (b) any accumulation of water or a ditch, canal, water flow, lavatory, urinal, cess pit, sewer or incinerator which is so polluted or is in such a condition as to cause a nuisance or be harmful to health;
- (c) any animal or bird kept in such a condition as to cause nuisance or be harmful to health or cause damage to the amenity of the area or to be an unpleasant sight;
- (d) any plant, whether or not self-sown;
- (e) any accumulation deposit, placing, keeping or storing of any item or thing in any public or private place that causes nuisance, is harmful to health, is an unpleasant sight or may damage the amenity of the area or may affect the safety of any person;
- (f) any residence being so overcrowded as to be harmful to those residing in it or to nearby residents or to cause damage to the amenity of the area;
- (g) any factory, workshop, place of work, work premises, furnace or place where animals are kept—
 - (i) of such a nature or in such a condition or constructed, operated, or maintained in such a manner as to be harmful to health or detrimental to the amenity of the area;
 - (ii) which is not kept in a clean condition;
 - (iii) which is not ventilated so as to make, so far as possible, harmless any gases, vapours, dust or dirt generated by the process of work carried out there, which causes a nuisance, is harmful to health or detrimental to the amenity of the area; or

- (iv) so overcrowded as to be dangerous or harmful to the health of those employed there or to the residents of the area or detrimental to the amenity of the area;
 - (h) any chimney stack (not belonging to a private residence) which discharges an excessive amount of fumes so as to cause a nuisance, is harmful to health or detrimental to the amenity of the area;
 - (i) any brothel which as a consequence of its location or manner of operation ought in the public interest to be closed or removed;
 - (j) any roof, shade, gutter, pipe, duct, overflow, or other source which carries water in, on or near any road within the boundaries of the overlapping municipality in such a manner as to cause damage to the road or a nuisance to passers-by;
 - (k) any unfinished façade, pathway or place attached to any building which is part of or near any road within the municipal boundaries;
 - (l) any pavement, shade or similar structure which does not comply with any municipal regulations made under this Ordinance, which relate to the construction or maintenance of pavements or pedestrian ways, shades or similar structures; or
 - (m) any other thing, item, premises, act or failure to act which cause a nuisance.
- (2) No penalty is to be imposed on any person in respect of an accumulation or deposit which is necessary to complete any work or structure if the court is satisfied that the accumulation or deposit took place only for as long as necessary for the work or structure to be completed and that all means available were used to avert damage to public health and for the safety and amenity of the residents of the area.

Restrictions on trades causing a nuisance

119.—(1) A person must not carry on a trade, business or industry causing harm or nuisance within the boundaries of an overlapping municipality without the prior written consent of the Council.

(1) A person who breaches subsection (1) commits an offence and is liable on conviction to a fine of €5000.

(2) If the offence of which a person is convicted continues after the date of conviction, that person commits a further offence and is liable to a fine of €150 for every day on which the offence is so continuing.

Disposal of abandoned vehicles or items

120.—(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, having consulted the Area Office—

- (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 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 municipality and any amount remaining is to be paid into the Municipality 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, having consulted the Area Office—

- (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 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 it is not possible to serve the notice referred to in subsection (1) or (3) the notice may instead be published in at least 2 daily newspapers in circulation in the Areas.

(5) 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 Municipality 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(a).

(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.

(8) In this Section—

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

Notice to stop causing a nuisance

121.—(1) If a Council is satisfied that a nuisance exists it may serve a notice on—

- (a) the person whose act, failure to act or tolerance causes or continues to cause a nuisance; or
- (b) if the person referred to in paragraph (a) cannot be found, the owner or person in possession of the premises where the nuisance is caused.

(2) The notice referred to in subsection (1) is to require the person to whom it is addressed to ensure that the nuisance is stopped within the time prescribed in the notice and to carry out any works or actions necessary for such a purpose.

(3) If immediate action is required in relation to a nuisance to protect public safety, health or the amenity of the area the Council may take such action as is necessary.

(4) If a person who has caused a nuisance cannot be found, or if a nuisance is not caused by, or is not continued as a result of any act, omission or tolerance of the owner or person in possession of a building, the Council may take such action as is necessary to end the nuisance.

Way of service of notices, Orders and documents

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

(a) Ordinance 10/2015.

- (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.

Failure to comply with a notice to stop a nuisance

123.—(1) If a person who has been served with a notice under section 121 fails to comply with any requirement of that notice within the time limit specified in the notice or if a nuisance in respect of which a notice has been served is, in the opinion the Council, likely to be repeated on the same premises, the Council may—

- (a) end such nuisance and for that purpose any person authorised by a Council may enter the premises which is the source of any nuisance and take any action necessary to end the nuisance;
- (b) without further notice on the person who has failed to comply with the notice, apply to the court for an order requiring that person to end the nuisance.

(2) The Council may recover any expenses incurred by it in exercising the powers under subsection (1)(a) and may register the amount of any such expenses as an encumbrance on the immovable property which is the source of the nuisance, whether or not other action is taken to recover those expenses.

(3) If a Council makes an application to a court under paragraph (1)(b) in respect of a notice served under section 121 the court may order that person, within the time specified in the order, to take such steps as are necessary to end or suspend the nuisance or prevent a repetition of the nuisance pending final judgment by the court.

(4) An order made under subsection (3) is to be made as an application under the Civil Procedure Ordinance.

(5) A person who fails to comply with an order made under subsection (3) within the time specified in that order the Council may enter the premises so as to execute that order and the expenses incurred in executing that order may be recovered as a civil debt.

(6) A person against whom an order was made under subsection (3) fails to comply with that order commits an offence and is liable on conviction to imprisonment for 6 months or a fine of €1000 or both such penalties.

Power of the court to make final order in relation to nuisance

124.—(1) If the court is satisfied that a nuisance in respect of which a notice was served under section 121 is occurring or that although such a nuisance has ceased it may recur in respect of the same premises, the court may make an order of a type specified in subsection (2).

(2) An order made under subsection (1) may require the person to whom the notice served under section 121 was addressed, within the time specified in the order—

- (a) to comply with all of the requirements of the notice;
- (b) to cease the nuisance;
- (c) to prevent a recurrence of the nuisance;
- (d) to carry out works required to end the nuisance or to prevent it from recurring.

(3) The court may, in addition to making an order under subsection (1), make an order in relation to the recovery of expenses incurred in relation to enforcement of the order made under subsection (1) as it considers appropriate.

(4) A court need not make an interim order under section 123 before making a final order under this section.

(5) A person who fails to comply with an order made under subsection (1) within the time specified commits an offence and is liable on conviction to a fine not exceeding €1,000 or a penalty of imprisonment not exceeding six months or both.

(6) On conviction of an offence under subsection (5) a court may order the defendant to pay all expenses incurred up to the date of the hearing of the charge or the issue of the Order to remove or prevent the nuisance.

Prohibitive Order in case of an unsuitable residence or building

125.—(1) If the court is satisfied that any nuisance that has occurred is such as to make any building unfit for use as a residence the court may order that the building is not to be used as a residence until it is satisfied that such building has again become fit for such use.

(1) A person commits an offence and is liable on conviction to a fine of €200 if that person contravenes an order made under subsection (1) or allows or permits someone to live there.

Penalty for breaching a court order

126. A person who fails to comply with a court order made under section 124 within the time specified in that order is liable to a fine of €200 for each day during which such failure continues.

Special Order addressed to the Council

127. If a court is satisfied that a person whose actions or omissions caused a nuisance or the person in possession of a premises which is the source of a nuisance cannot be found, a court order issued under section 124 may be addressed to and executed by the Council.

Costs for the execution of an Order to stop a nuisance

128.—(1) The court may, at its discretion, when issuing an Order to stop a nuisance, order the defendant to pay the costs of the proceedings and such costs may be recovered in the same manner as the costs recovered in criminal proceedings.

(1) Subject to subsection (3) where the Order to stop a nuisance is addressed to the Council as defined in section 127, the costs of the proceedings and the costs incurred by the Council in the execution of the Order of that court shall be deemed to be money paid for use and at the request of the person, whose act or omission caused the nuisance and such costs and expenses may be recovered from that person as civil debt.

(2) In a case of refusal or failure to pay, the Council, after being satisfied as to the amount of the costs spent for the execution of the Order, shall proceed to the certification of the costs incurred and their amount shall be recorded in the books of the relevant district lands office as an encumbrance on the immovable property of the person who failed to comply with the court order and who failed or omitted to pay the costs incurred.

Power of entry in premises to stop nuisance

129.—(1) A police officer or person authorised by a Council may enter any building between 8am and 8pm or in the case of business premises, at any time when those premises are open for business, to determine whether or not a nuisance is occurring in that building if there are reasonable grounds for suspecting that such a nuisance is occurring.

(2) If a court order has been made under section 124, any person authorised by a Council may enter any building from which the nuisance is occurring until the nuisance has stopped or the works required by the court order have been completed.

(3) Without prejudice to subsection (1), a court may make an order authorising a person authorised by a Council to enter a building at any time until the nuisance has stopped or until works necessary to stop the nuisance have been completed.

(4) A person who refuses to allow a person authorised by a Council to enter a building pursuant to an order made under subsection (3) commits an offence and is liable on conviction to a fine not exceeding €1000.

Certain offences

130.—(1) A person commits an offence if, within the boundaries of an overlapping municipality, that person—

- (a) being the owner or having charge of an animal, allows that animal to roam without supervision;
- (b) carries or permits to be carried on any means of transport an unsafe load;
- (c) leaves open any basement, cellar, space, pit or sewer without satisfactory coverings, fencing or handrails or, after sunset, sufficient lighting to warn any person or to prevent the fall of any person;
- (d) throws or allows to escape any water or other liquid into any street, throws or allows water to escape into a ditch within the boundaries of the overlapping municipality,
- (e) throws any kind of engine oil or burns such oil anywhere within the overlapping municipality;
- (f) without lawful authority, turns off or breaks any street lamp;
- (g) deliberately causes an obstruction to a road using a motor vehicle, animal or any other means;
- (h) places or leaves unattended any items alongside any road;
- (i) places any folding shutter, shade, cover or other projection at a height of less than 3 metres alongside any road;
- (j) places, hangs or displays any goods or merchandise for sale in a manner which projects onto the road or beyond the line of any buildings or in a manner which causes an obstruction;
- (k) rolls or carries any goods along a pavement except when loading or unloading a vehicle;
- (l) places any rope, cord or pole vertically or horizontally alongside any road or places or hangs any clothes for drying, advertisements or other things alongside a road;
- (m) being a prostitute, solicits for the purposes of prostitution;
- (n) recklessly drives or rides any vehicle or animal;
- (o) shakes or dusts any carpets or similar items onto any road from part of a residence or building;
- (p) causes damage to any road;
- (q) throws from any part of a building any earth, tiles, wood, refuse, water or other thing;
- (r) throws, places or leaves any item on any road or public place;
- (s) throws, lets fall, or leaves anything in a sub-surface duct belonging to or controlled by the Council or any other authority, or permits such a thing to happen;
- (t) hangs or allows to be hung a street name for which no approval has been given under this Ordinance;
- (u) removes, destroys or defaces a street name which has been lawfully placed on a street.

(2) A person who commits an offence specified in subsection (1) is liable—

- (a) on conviction to imprisonment for 3 months a fine of €1000 or both such penalties; and
- (b) if the offence of which a person is convicted is continued after the date of conviction, to a fine of €100 for every day on which the offence is so continuing.

(3) A person commits an offence and is liable on conviction to imprisonment for 3 months or a fine of €700 or both penalties if that person, within the boundaries of an overlapping municipality, burns any domestic, building, agricultural or industrial waste.

(4) If the offence of which a person is convicted under subsection (3) is continued after the date of conviction, that person commits a further offence and is liable to a fine of €350 for every day on which the offence is so continuing.

(5) If proceedings are commenced for an offence under this section, the court may, on the application of the Council, make an interim order requiring a person to carry out any act or to

refrain from carrying out any act which the court considers necessary to ensure free and safe use of any road pending final judgment by the court.

(6) An order made under subsection (5) is to be made as an application under the Civil Procedure Ordinance and the Civil Procedure Rules(a).

(7) If a person in respect of whom an order has been made under subsection (5) fails to comply with that order within the time prescribed, the Council may execute that order and may recover the costs of doing so from the person against whom the order was made as a civil debt.

(8) Whether or not the Council has exercised its power under subsection (7), a person in respect of whom an order has been made under subsection (5) who fails to comply with that order commits an offence and is liable on conviction to imprisonment for 3 months or a fine of €800 or both such penalties.

(9) A police officer may remove any street name which has been placed on a street without approval under this Ordinance, whether or not the street name was placed there before or after this Ordinance entered into force.

Blank section

131. This section is left intentionally blank.

Obstruction of employees of municipal workers in the performance of their duties

132.—(1) A person commits an offence and is liable on conviction to imprisonment for 3 months or a fine of €800 or both such penalties if that person obstructs a person authorised by a Council in exercising any functions under this Ordinance.

(1) If a person is convicted of an offence under subsection (1) the court may order that person to pay to the Council such compensation in respect of the obstruction as it considers just.

Court order for payment of unpaid fees or charges

133.—(1) If the court before which any person is brought for any offence referred to in this Ordinance, the court may, in addition to the penalty it considers appropriate to impose, as well as the legal costs, order that person to pay all the charges, fees or duties related to the charge brought against them, and which that person is required to pay but has failed or refused or has neglected to pay.

(1) All charges, fees, and duties which the court has ordered to be paid may be recovered in the same manner as financial or other penalties are recovered under this Ordinance.

Payment of financial penalties to the municipal fund

134. All financial or other penalties, charges and expenses recovered under this Ordinance shall be paid to the Municipal Fund and shall form part of it, unless otherwise provided.

Power to collect fees, rents, charges etc.

135.—(1) A Council may, in addition to criminal proceedings, bring an action against and recover by civil proceedings from any person who fails to pay any encumbrances rents, charges or fees prescribed in this Ordinance, whether or not the failure to pay them is due to an act or failure of that person that constitutes an offence under the provisions of this Ordinance and whether or not the person who fails to do so was prosecuted or not, in connection with that offence.

(2) Where any fees, charges, taxes, or encumbrances payable under the provisions of this Ordinance are not paid at the time where they are due and payable, their debtor or any person required to pay, shall in addition to the amount of such fees, charges, taxes, or encumbrances, pay a charge equal to the maximum rate of interest applicable in the Republic.

Not prescribed offences and penalties

(a) Cap 12, 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.

136. Any person who violates any provision of this Ordinance for which no penalty is prescribed in this Ordinance, shall be guilty of an offence and, liable upon conviction, to a fine not exceeding €700.

Corruption and abuse of power by a mayor, vice mayor or councillor

137. For the purposes of sections 100 to 105 inclusive of the Criminal Code^(a), a mayor, deputy mayor or councillor are considered, in relation to the duties of those offices, to be a person employed in the public service.

Judicial representation

138. A Council may appear before a court in any proceedings by the Mayor or by an officer authorised by a Council in respect of particular proceedings.

139. This section is left intentionally blank.

PART 9

This part is left intentionally blank

Blank sections

140. This section is left intentionally blank.

141. This section is left intentionally blank.

142. This section is left intentionally blank.

143. This section is left intentionally blank.

PART 10

Regulations

Regulations

144. The Administrator may make regulations made as a public instrument in respect of any matter under this Ordinance and generally for the better carrying out of the provisions of this Ordinance.

Municipal Regulations

145.—(1) The Council may, with the approval of the Chief Officer, make, amend or revoke municipal regulations for any or all of the following purposes to assist the Council in performing any of its functions in Part 3 of this Ordinance and to ensure the fixing and payment of any charges, fees or encumbrances in relation to such functions.

(1) A person who breaches a municipal regulation for which no penalty is provided is guilty of an offence and is liable on conviction to a fine of €170 and a court may order that any goods in respect of which an offence has been committed are forfeited for the benefit of the overlapping municipality.

^(a) Cap 154, 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 21

Temporary and transitional provisions

Blank Sections

146. This section is left intentionally blank.

147. This section is left intentionally blank.

148. This section is left intentionally blank.

149. This section is left intentionally blank.

150. This section is left intentionally blank.

Transition provisions in relation to applicable regulations

151. Bye-laws made under the Overlapping Communities Ordinance 2001(a) or the Akrotiri Community Ordinance 2001(b) are to remain in force within the boundaries of that community until amended or revoked by municipal regulations made under this Ordinance and apply only to the extent that they would have been able to be made as regulations under section 145.

PART 32

Final provisions

Repeals

152. The Overlapping Municipalities Ordinance 2011(c) is repealed.

Blank section

153. This section is left intentionally blank.

Naming

154. (1) A Council is to have the name ““A” Municipality”, where “A” is the name of the municipality.

(1) If the name of a municipality is changed in accordance with section 8 of the Republican Law that change does not—

- (a) affect the rights or obligations of any person, including the Council in question; and
- (b) impede any legal proceedings, which may be carried on as if there had been no change of name.

Elected Councils in the Republic to exercise powers and duties in the Areas

155.—(1) Any Council or any other body or authority provided in the Republican Law may exercise in the Areas such powers and duties within the boundaries of the overlapping municipality as are provided in this Ordinance.

(1) No court may entertain any challenge in proceedings under this Ordinance to the lawfulness of the election of a Council, 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.

(a) Ordinance 27/2001, as amended by 25/2007.

(b) Ordinance 23/2001, as amended by 24/2001, 26/2005, 34/2020 and 11/2022.

(c) Ordinance 20/2011.

Transition from community to municipality

156. If an overlapping community or community in the Areas becomes part of a municipality in accordance with the Republican Law (whether before or after this Ordinance comes into force) all of the assets and liabilities of the Council of the overlapping community or community vest in the relevant overlapping municipality without further transfer or conveyance.

Prosecutions

157. Proceedings for any offence under this Ordinance may not be instituted except by or with the consent of the Attorney General and Legal Adviser.

Judicial notice to be taken of the Republican Law

158.—(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

159.—(1) The function placed on the Chief Fire Officer by section 37(d) 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 (1) 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.

Crown Exemption

160.—(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

161. 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.

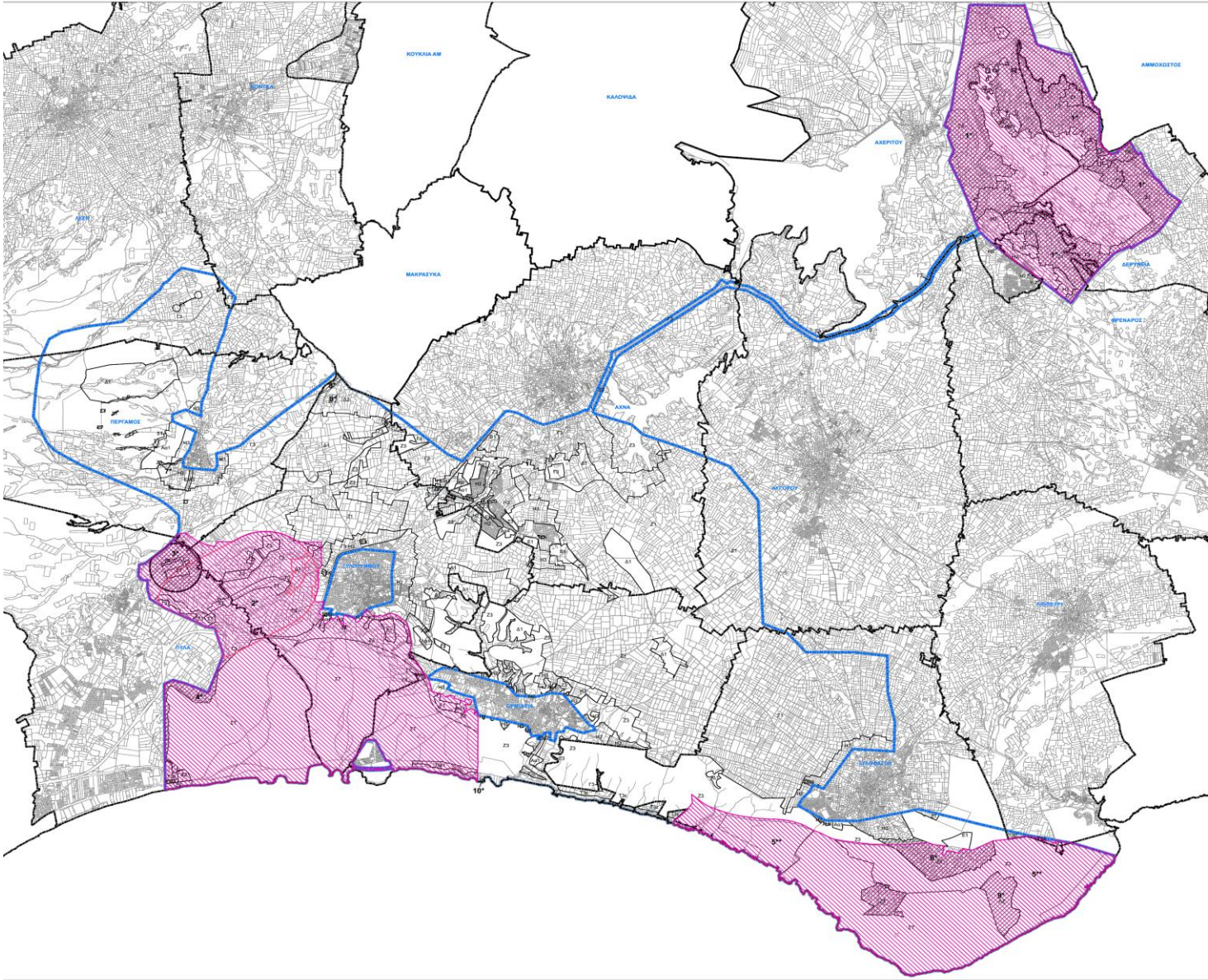
Consequential Amendments

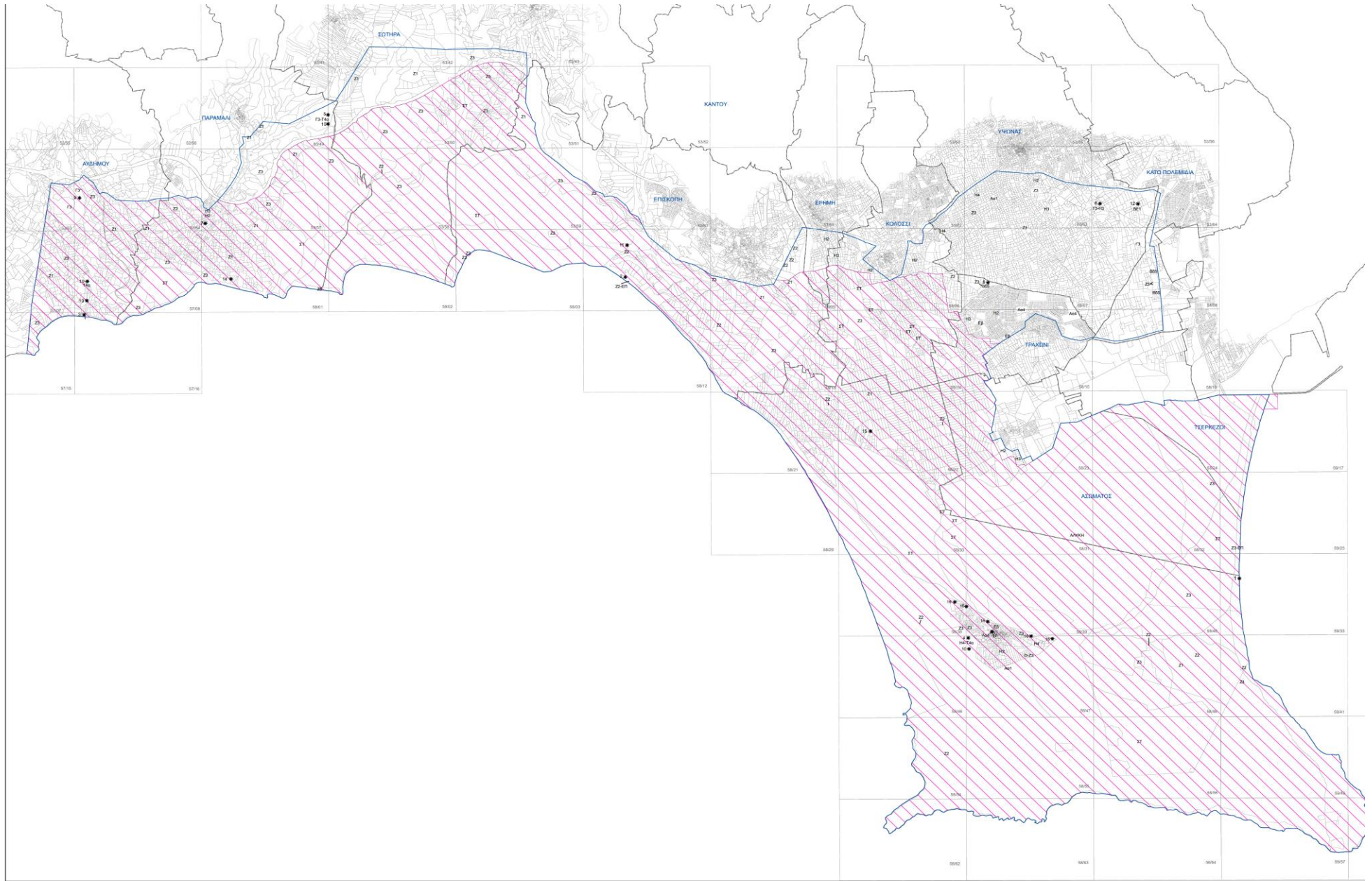
162. The following amendments are made—

- (a) in section 2 of the Public Swimming Pools Ordinance 2000 in the definition of “competent authority” for “Area Office” substitute “Municipal council or Community council”.
- (b) in Schedule 1 of the Interpretation Ordinance 2012^(a) in the definition of “Overlapping municipality” for “section 3 of the Overlapping Municipalities Ordinance 2011” substitute “section 2 of the Overlapping Municipalities Ordinance 2024”.
- (c) in the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 wherever the word “Area Officer” appears substitute “Municipal council”.

^(a) Ordinance 08/2012.

SCHEDULE
Sensitive Areas





EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Overlapping Municipalities 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 Overlapping Municipalities Ordinance 2011.

4. The purpose of the Ordinance is to mirror certain provisions in the Republic’s Municipalities Law (52(I)/2022) (“the Municipalities 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 Municipalities Law.

5. The parts and sections that have been left blank relate to the following parts in the Municipalities Law and which are not necessary for replication within the Areas: Part 3 (Election of Municipal Authorities), Part 5 (Administration of Municipalities), Part 7 (Audit and Supervision) and Part 9 (Cyprus Union of Municipalities).

6. Part 2 of the Ordinance establishes that a Council of a Municipality that has boundaries that extend into the Areas and appointed in accordance with the Municipalities Law has legal status in the Areas.

7. Part 4 of the Ordinance sets out the functions of the Councils that have legal status in the Areas as relates to their responsibilities in the Areas. These largely mirror those in the Municipalities Law but there are functions that do not apply in the Areas (these paragraphs and sections are left blank) or apply with certain qualifications. The main qualification is that when a Council is seeking to use a particular function that they need to do this with the approval of the Chief Officer. All functions of the Councils are subject to the relevant law of the Areas.

8. Part 8 of the Ordinance sets out the definition of nuisance and methods for a Council to manage nuisance within their boundaries that overlap into the Areas. These provisions largely mirror those in the Municipalities Law but have been modified for the purpose of their operation in the Areas.

9. Part 10 of the Ordinance provides powers for the Administrator to make regulations and for the Councils, with the approval of the Chief Officer, to make municipal regulations for the purpose of discharging their functions of the Ordinance.

10. Part 11 of the Ordinance sets out how bye-laws made by overlapping communities that have become part of an overlapping municipality continue to function only to the extent that they would have been able to be made as municipal regulations under the Ordinance.

11. Part 12 of the Ordinance sets out miscellaneous provisions that relate to the specific operation of Councils of overlapping municipalities within the Areas.

SBA/AG/2/COM/500
