

(FOR INTERNAL USE ONLY)
**PRELIMINARY DRAFT ON THE CONSOLIDATION OF THE STREETS AND
BUILDINGS REGULATION LAW**

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THE STREETS AND BUILDINGS REGULATION LAW

MINISTRY OF THE INTERIOR
April 2015

CAP. 96
STREETS AND BUILDINGS

CLASSIFICATION OF ARTICLES

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**LAW WHICH UNIFIES AND AMENDS THE LAWS ON CONSTRUCTION
OF STREETS AND BUILDINGS**

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Short Title. **1.** This Law shall be cited as the Streets and Buildings Regulation Law.

Interpretation. **2.** In this Law -

"competent authority" means the competent authority, which is established or appointed under article 3 and which exercises powers regarding any relevant matter provided for in this Law within the area in respect of which it is established or appointed.

Cap. 240. **"Municipality"** means an organization with a legal entity, which is established under the provisions of the Municipalities Law or any other Law, which amends or substitutes the same.

2 of 24/78. **"approved use"** means the use of a building as such is approved upon permit and as shown on the approved designs.

Provided that the use of a building on the date of entry into force of this Law will be considered as an approved use if not contrary to the building permit issued and the approved designs.

101(l)/2006 **"energy efficiency of a building"** means the quantity of energy actually consumed or estimated to satisfy the various needs related to the ordinary use of a building, which may, amongst others, include heating, water boiling, cooling, ventilation and lighting and which is expressed by one or more numerical indicators, which have been calculated by taking into consideration the heat insulation, the technical characteristics and those of the electromechanical installations, the design and position of a building in relation to climate factors, the exposure of a building to the sun and the impact of neighboring structures, the energy production by the building itself and other factors affecting the energy demand, which include the climate conditions in the interior of a building.

2 of 81(l)/99. **"supervising engineer"** means a person, who-

224 of 1990 (i) is registered in the Register of Members of the Cyprus Scientific and
106(l) of 1992 Technical Chamber (ETEK), holds a license to practice the profession under the Law
15(l) of 1993 on the Cyprus Scientific and Technical Chamber and has the right to carry on works
31(l) of 1993 which are of the nature of work of an architect or civil engineer in relation to a specific
53(l) of 1993 project and who is the designer of the specific project, in accordance with the relevant
44(l) of 1996 definition given in this section;

34(l) of 1997

15(l) of 2002 (ii) has been duly appointed and undertaken the supervision of the project;

24(l) of 2002

2 of 81(l)/99. **" supervision of project "** means the carrying on of inspections on a building site, as deemed necessary by the supervising engineer, according to approved technical procedures and technical code of conduct, subject to any duties or requirements imposed on him by or under the provisions of section 9A;

2 of 81(I)/99. **"project"** means any work or any other matter that involves construction works, the carrying on of which requires the previous issue of a permit under section 3.

2 of 81(I)/99. **" design study"** includes the carrying out of designs, sketches, technical specifications and calculations, regarding the carrying out of a project and any other work required in examining an application for the issue of a permit under section 3;

"designer" means a person who-

(i) is registered in the ETEK Register of Members and holds a license to practice the profession as provided for in the Law on the Cyprus Scientific and Technical Chamber and has the right to carry on works which are of the nature of work of an architect or civil engineer in relation to a specific project and who is the designer and supervising engineer of a specific project in accordance with the definition given in this section;

(ii) has been duly authorized and accordingly undertaken to carry out the design study of a project which is of the nature of work of an architect or civil engineer.

"alteration", "addition" or "repair", when used with regard to buildings, means any structural alteration, addition or repair, whereby any dimension of such building is altered, but shall not include:

(a) the replacing of tiles, mud or other material in order to render any roof watertight;

(b) the repair of any existing door, the leaves of which do not open or project into a street.

(c) the repair of any window, balcony or terrace, which does not open or project into a street.

(d) the white-washing, color-washing, plastering or painting of any wall, ceiling, woodwork or ironwork in any building;

(e) the relaying, reboarding or repaving of any floor or pavement within the external walls of any building or within any existing balcony or terrace that is attached to a building, but which does not open or project into a street.

"street" includes any road, bridle-path, pathway, dead end, passage, pedestrian road, pavement or public square.

2(b) of 47(l)/2011 Provided that, in addition to the above, for the purposes of article 17 of this Law, "street" may also mean any of the above which is set as a condition in a permit issued under article 3 of this Law.

"building" means any construction, whether of stone, concrete, mud, iron, wood or other material and includes any pit and any foundation, wall, roof, chimney, terrace, balcony, cornice or projection of part of a building, or anything that is affixed thereto, or any wall, earthbank, fence, hedgerow or other construction enclosing or delimiting or intended to enclose or delimit any land or space.

2 of 35(l)/99. **"parapet"** means a protective structure built or put permanently on terraces and balconies and on a roof of (flat roof) a building, in case there is a stairway leading to it, and includes a wall or any other protective structure.

2(a) of 47(1)/2011 **"completion of work"** means the removal, in any way, of the machinery and workers, as well as the non execution of any work on the property on which a building is erected or a work is carried out for a continuous period of four months".

2 of 32(l)/2008 **"Minister"** shall mean the Minister of Interior.

Layout etc of roads and erection etc of buildings prohibited without permit of the competent authority. **3.-(1) No person may-**

(a) lay out or construct a road;
(b) erect or suffer or allow to be erected a building or demolish or reconstruct or make alterations, additions or repairs to any existing building or suffer or allow any such demolition or reconstruction or any such alteration, addition or repair to be made;

(c) lay out or divide any land (irrespective of whether any other buildings or buildings used exclusively for agriculture or forestry exist thereon or not) into separate plots;

(d) divide any building (irrespective of whether any such division requires any structure or not) into separated tenements;

2 of 108/88. (e) modify or allow or suffer the modification of the approved use of a building.

- 3 of 24/78. (f) start to carry out any of the works or issues mentioned here above,
- 2 of 14/59 without a permit in that respect, previously obtained by the competent authority, as provided for in subsection (2) or, when a permit is issued under the second proviso of subsection (2) of section 14, by the Director of the Town Planning and Housing Department.
- 3 of 32(l)/2008 Provided that, permit by virtue of this article may relates exclusively to a specific part of a building or any annex thereto and this permit shall not be a permit for other parts of the building for which a permit has not been issued following examination of the relevant application.
- 3 of 47(l)/2011 (1A) For a building consisting of more than one units which may operate separately, at the same time that the construction permit is issued, a permit is issued for the division of the building into separate units which, where applicable, include each common area and each common area with exclusive rights:
- Provided that in case of such building, the application for the construction and division permit should clearly define the individual and independent units, the common areas with exclusive rights of use for each unit, the common areas and the remaining, **unutilised** development rights.
- (2) The competent authority of
- (a) any area in a Municipality, shall be the Municipal Council of the respective Municipality:
- 2 of 152(l)/2011 Provided that if a Municipal Council exercising its powers within the area of a Municipality other than the Municipality of Lefkosia, Lemesos, Ammochostos, Larnaka, Pafos and Keryneia, considers being unable to carry out the duties assigned to it by virtue of the provisions of this Law due to failure to establish or maintain the necessary technical services, it may ask upon request to the Minister of Interior, for the free provisions of the necessary technical services in order to perform its duties by the competent services of the Republic according to the Law, until it establishes or maintains the necessary technical services to the satisfaction of the Minister of Interior.
- (b) any area other than a Municipality area, is the District Officer of the District:
- Provided that the Council of Ministers may, instead of the District Officer, appoint as competent authority for such an area a Council consisting of a maximum of six persons, including the District Officer as President.

2 of 157(l) of 2000 Provided further that in any Community Council area, the Council of Ministers may appoint as competent authority for the specific area the Community Council established for the area in question, pursuant to the provisions of the Local Communities Law.

86(l) of 1999

51(l) of 2000

2(b) of 9/86. (3) (a) When the competent authority is the Municipal Council of the Municipality, the Mayor or Vice-Mayor of such Municipality or any other person authorized by such Municipality to this end shall have, and shall always be considered to have had power to issue any permit, notification or any other act or document, which the competent authority is authorized to issue, by virtue of the provisions of this Law;

(b) when the competent authority is a body appointed by the Council of Ministers as provided for in subsection (2), its President or any other person who is authorized by the President to this end shall have, and shall always be considered to have had power to issue any permit, notification or any other act or document, which the competent authority is authorized to issue, by virtue of the provisions of this Law;

(c) any permit, notification or other act or document as under paragraph (a) or (b) above on and after the date of September 1946 shall be considered to have been issued properly by virtue of the provisions of this subsection.

(4) Where the competent authority is the Municipal Council of the Municipality, such Council may, from time to time, assign to an Executive Committee consisting of no more than three members of the Council all or any of the powers afforded to the Council by virtue of the provisions of this Law.

(5) Where for any reason a body is appointed to have the powers and exercise the duties of a Municipal Council with regard to any other Municipality, such body shall be considered for the period of its appointment as the competent authority for the purposes of this Law in relation to such Municipality and in any such case, the powers and duties of the Mayor and Vice-Mayor of such Municipality, as provided for by this Law, shall come under and be exercised by the President and the Vice-President of such body respectively.

4 of 32(l)/2008 3A (1)(a) The Minister may, upon consultation with the competent authorities, determine by an order-
Form and procedure for submitting an application etc. (i) the form and the way to submit an application for a permit for any street or building under this Law;

(ii) the procedure for submitting an application for a permit, including the time frame for the completion of the examination.

(β) In order to achieve the purposes of this Law, the Minister shall be empowered to make such orders and give such directives, as he considers necessary or desirable, to the competent authorities, for addressing issues regulated by virtue of paragraph (a).

2 of 77(I)/2011
Special provision
regarding
application for
permit in special
cases

3B. (1) Notwithstanding the provisions of this Law or the Regulations issued by virtue of this Law, an application for any permit that the competent authority has the power to issue by virtue of the provisions of this Law, when-

90/1972
56/1982
7/1990
28/1991

(a) the planning permission has been issued by virtue of article 90 of the Town and Country Planning Law, is signed by the persons who, according to the provisions of the above article, are entitled to sign the application for the planning permission and

91(I)/1992

55(I)/1993

72(I)/1998

59(I)/1999

142(I)/1999

241(I)/2002

29(I)/2005

135(I)/2006

46(I)/2011

76(I)/2011

(b) a previous issue of a planning permission is not required by virtue of this Law of the Regulations issued by virtue of this Law, is signed by the following persons:

(i) in case of joint ownership, by one or more joint owners, where the application relates to a part of the immovable property which is obvious by object that this corresponds to the share of the applicant by virtue of a planning permission or other permission issued by any competent authority or that this obviously results from a partition agreement signed by all joint owners;

(ii) in case the application relates to the exercise of a registered development right, by the registered owner or the beneficiary of the unit to the benefit of which the right is registered, without producing the consent or approval of the joint owners of the jointly owned building; and

(iii) in case the application relates to the development of a property with a share on a jointly owned part, it is signed only by the owner of the property under development.

(2) In case the provisions of paragraph (b) subparagraph (1) applies, the following procedure shall be followed:

(a) the application is notified to the remaining joint owners and, if for any reason this is not possible, a relevant notification is published in at least two (2) daily newspapers under the form determined from time to time by the Minister;

(b) in the cases of points (i) and (iii) of paragraph (b) subparagraph (1), the joint owner who thinks that the amenities or his legal ownership interests are affected, such as the comfortable, legal and reasonable enjoyment of his property, may, within thirty (30) days from the date on which he shall take note of the content of the application, submit an objection to the competent authority; and

(c) the competent authority, before the award of the permit upon the submission of an application by virtue of paragraph (b) subparagraph (1), may invite the joint owners who have submitted the objection in order to hear them.

4 of 47(l)/2011 Requirements for the issue of a permit by virtue of article 3 4. (1) No permit shall be granted under article 3, unless the competent authority is satisfied that the contemplated work or other matter in respect of which the permit is sought is in accordance with the provisions of this Law and Regulations issued by virtue of this Law and with the content of a planning permission granted in accordance with the Town and Country Planning Law of 1972, as amended or replaced from time to time.

90 of 1972

56 of 1982

7 of 1990

28 of 1991

91(l) of 1992

55(l) of 1993

72(l) of 1998

59(l) of 1999

142(l) of 1999

241(l) of 2002

29(l) of 2005

135(l) of 2006

11(l) of 2007

46(l) of 2011

Provided that the control performed by the competent authority under this Law, is restricted only to issues that fall within the provisions of this Law and not extended to issues that fall within the provisions of other specialised legislations.

(2) Notwithstanding the provisions of the Town and Country Planning Law of 1972 to 2011 or any General or Special Development Order issued by virtue of the said Laws, the competent authority may issue a permit in case of applications for residential development which do not comply with the planning permission granted or in cases provided for by a General or Special Development Order issued by virtue of the Town and Country Planning Law, as amended or replaced from time to time, as it pertains to –

(a) the indoor organisation of each independent unit provided for by a permit granted;

(b) the modification of the arrangement of the parking spaces provided for by the planning permission, provided that they operate adequately;

(c) the placement of openings of building facades;

(d) the height of ceiling of a building and the total height of a building, where the number of floors does not exceed the one permitted;

(e) the height of the fencing of a building;

(f) any other matter determined by the Minister's Order published in the Official Gazette of the Republic, on terms and conditions determined thereto;

provided that the amenities of adjacent properties or properties within the same area of the building are not affected.

Buildings on plots by division or distribution.

2 of 199/86.

Cap. 224

3 /1960

78 /1965

10/ 1966

75 /1968

51/ 1971

2 /1978

16 /1980

23 /1982

68 /1984

82 /1984

86 /1985

189/ 1986.

2 of 53/87.

4A. In compliance with the provisions of this Law and of the Regulations in force at the time being, granting a permission is allowed in virtue of article 3 of this Law, for the construction of a building on plot that arose from division or from land distribution that took place under the Immovable Property Law (possession, registration and appraisal) or of any Law that amends or replaces the latter, solely in the following cases:

(a) For the construction of a building on such a plot that is located within a water supply area, as this is defined in paragraph (c) of subsection (3) of this Law, or within a tourist zone or within a zone for special industries or professions, as this zone is defined by the Competent Authority upon approval of the Council of Ministers, by virtue of the provisions of article 14 of this Law:

Provided that while granting the permit under the provisions of this paragraph, the Competent Authority has the power, while complying with the Regulations in force for the time being, to set terms concerning the permit, both by virtue of paragraph (b) of subsection (1) of article 9 of this Law, and in virtue of paragraph (c) of the same subsection, as if it concerned a permit for opening or dividing land for building purposes.

(b) For the construction of up to two houses on such a plot that is located outside a water supply area, as defined above, upon permission of the Competent Authority, which is granted upon meeting of the following conditions:

(i) the dwelling to which the application refers, will be used as the permanent or the temporary housing of the applicant or of his/her children. For the purposes of this subparagraph, the term "applicant" includes any legal person, the only shareholders of whom is/are any of the following persons, i.e. the spouse or the children and the

dwelling to which the application refers is intended to be used for the permanent of the temporary housing of any of them, and

(ii) this plot adjoins onto a public street that is registered in the books of the Land and Survey Department and which satisfies the Competent Authority or

2 of 97(I)/92. (iii) this plot may have for access purposes a passage of around 300 meters length and width of not less than 3,65 meters, provided that the house to which the application refers will be located at a distance of at least 7,60 meters from the boundaries of this passage.

Provided that the Competent Authority may allow the erection of a second house on a plot that may have for access purposes a passage, that is less than 12 feet wide but not less than 3 meters, if on the day the Street and Buildings Regulation (Amendment) Law of 1987 enters into force, another house existed on such a plot.

2(a) of 199/86. (c) For the building of a house for agricultural or stock-raising purposes.

6 of 32(I)/ 2008. 4B. (1) The Minister may, with a justified order published in the Official Gazette of the Order of Republic, exempt any category of constructions that fall within the definition of exemption from “building” and is defined by the order, from the obligation to obtain any permit by the obligation to obtain permit

Provided that rooftop TV antennas and water tanks, air-conditioning units on the exterior of a building, radio-communication stations installed on legally erected towers and other building appendices of similar nature fall within such construction categories.

(2) An order by virtue of subparagraph (1) may be made –

(a) as a “General Exemption Order”, which generally applies to any building, on the terms that may be determined by the order; or

(b) as a $\omega\zeta$ “Special Exemption Order”, which specifically applies only to any building or immovable property situated in an area specified by the order or falls within one of the categories specified in the order.

(3) A building exempted by virtue of subparagraphs (1) and (2) from the obligation to obtain any permit by virtue of this Law, shall be deemed to be a licensed building for

the purposes of any law or regulation requiring, as a prerequisite for its implementation, a permit by virtue of this Law.

Duration and renewal of permit. 5.-(1) The permit that is being issued according to the provisions of this Law, is valid for a period of three years starting from the date of its issuance.

90 of 1972 Provided that, if a planning permit is issued upon application for the same work,
56 of 1982 according to the Town and Country Planning Law, the competent authority may in
7 of 1990 appropriate circumstances, including the change of the urban system of the area of
28 of 1991 the application, set the validity period of any permission issued according to this Law
91(l) of 1992 in order to be the same with the time period for which the planning permit is valid.
55(l) of 1993
72(l) of 1998
59(l) of 1999
142(l) of 1999
241(l) of 2002.

(2) The renewal of the permission upon application of its holder is allowed under the following conditions:

(a) If a planning permit upon application has been issued for the same works, according to the provisions of article 23 of the Town and Country Planning Law, the permit is being renewed for the same time period the planning permit is renewed and valid, according to the provisions of article 28 of the same Law;

(b) in the other cases the permit is renewed if the works to which the permit refers, which have commenced but have not been completed, are essential and will consist a project that is under construction by the time of the validity expiration of the permit.

(3) The renewal of the permit is allowed as an exception of the provisions of paragraph (b) of the previous subsection, for as much time justified under the circumstances, in the following cases:

(a) With reference to a permit that is being issued according to the provisions of paragraph (a) or (c) of subsection (1) of article 3 of the present Law, if the works for street opening or street construction or division of land in plots have not commenced during the initial validity period of the permit, due to the non timely demarcation by the Department of Lands and Surveys, provided that the relevant application for demarcation has been submitted to the competent department within a timeframe of three months from the date of the permit issuance and it has not been withdrawn since then; and

(b) With reference to any permit, if the works to which the permit refers have not commenced during the initial permit validity period, due to the fact that proceedings are pending before the Rent Control Court regarding the regaining of the ownership of the immovable to which the permit refers, according to the provisions of the Law on Rent, provided that the proceedings commenced either prior to the issuance of the permit or during the initial validity period of the permit.

5(b) of 47(l)/2011 (4) The renewal is valid for a period of two years as from the date of expiry of the initial validity of the permit. The permit may be further renewed for a period of one year, where the conditions for its initial renewal are fulfilled, determined in subparagraphs (2) and (3) of this article.

(5) During the permit renewal the competent authority has the power to amend the terms under which the permit has been issued initially or set new terms or even reject the application for renewal, provided that this power arises from a regulative provision of a notification of administrative nature, which took place after the issuance and which is valid at the time of renewal; the amended or new terms or the rejection refer to the part of the works to which the permit refers, which has not been executed and they do not affect the part of the works that has already been executed.

(6) As far as a permit is concerned, that was issued before this Law entered into force, the following points apply:

(a) In the case that three years have not passed by from the date of issuance of the permit, its validity period is extended for a period of three years from the date of its issuance, under the proviso of subsection (1) of article 5;

(b) In the case that three years have passed by from the date of issuance of the permit, it is permitted under the conditions of subsections (2) and (3) to renew the permit for a period of one year from the renewal date, provided that its holder will submit for this purpose an application within a timeframe of three months from the date on which this Law enters into force.

The renewal of the permit is permitted with accordance to what is defined within subsection (4) of this article;

(c) The provisions of subsection (5) are always valid and in this case as well.

Power of demand of street construction or submission of a share that corresponds to the construction expenses

6.-(1) The competent authority at the time of granting a permit for the opening of a street by virtue of subsection (3), may set as a term that the holder of the permit will construct the street within such a timeframe as determined in the permit or s/he will pay to the competent authority such an amount of money that, in the judgment of the competent authority, is equivalent to the share of the permit holder that corresponds to the calculated expense for the construction of the whole street, after taking into consideration the façade length of the property that borders on this street.

(2) Every amount of money that is paid to the competent authority, as provided in subsection (1), is used by the competent authority for the construction of the street with regards to which this payment was made.

Demolition of buildings which are in a dangerous state.

7. When the demolition, alteration or repair of any building is necessary for the purpose of ensuring the safety of the building or of any other building that adjoins with the latter or of any pedestrian on any street and it is not justifiably possible to previously obtain a permit for this reason, such a demolition, alteration or repair may take place immediately, provided that a relevant written notification is submitted to the competent authority within twenty four hours from the establishment of this necessity.

- Plans etc. submitted. **8.-(1)** Prior to granting the permit in virtue of article 3, the competent authority may request the submission of such designs, sketches and calculations or it may request the provision of such a description of the intended project, as for it to be convinced of the necessity and it may require the alteration of such designs, sketches and calculations submitted in this manner, particularly-
- (a) for the purpose of ensuring the appropriate health and safety circumstances, with regards to the building to which such designs, sketches and calculations refer;
 - (b) for the purpose of maintaining the uniformity or the appropriate character and style of the buildings constructed or that will be constructed in the area where the plot is located;
 - (c) for the general purpose of ensuring the appropriate health, hygiene, safety, communication, comfort and facilities circumstances in the area where the intended works will be executed;
 - (d) for the purpose of ensuring the further improvement of the road network of the area;
 - (e) in order to ensure the transportation of disabled persons;
 - (f) in order to ensure the safety of the mechanical and electrical installations;
 - (g) in order to ensure the energy efficiency of the building;
- 5 of 24/78
- 4(a) of 97(I)/92. (2)(a) Particularly as far as the static estimates are concerned, the competent authority controls and is responsible of whether the necessary static estimates have been submitted, whether they are signed by the project developer, whether the standards, the codes of practice and the antiseismic code in force on the day of their submission have been followed, whether the computer program followed is authorized by the Scientific and Technical Chamber, and it generally controls anything that is found to be necessary for the achievement of the objectives provided for in this article. The control of the competent authority does not discharge the project developer of his/her duties concerning the static estimates s/he signs.
- 3 of 157(I)/2000
- 3 of 101(I)/2006
- 4(b) of 97(I)/92. (b) The provisions of this paragraph enter into force as of the 1st of June, 1993.
- 4 of 81(I)/99.
- 2 of 126(I)/2000. **8A.-(1)** All designs, sketches, studies, writings, calculations and any other document submitted by virtue of this Law to the competent authority for the issuance of the permit, will carry the signature and the title of the person who prepared them, who should hold one of the licenses to practice the profession, which are issued in virtue of the provisions of the Law of the Cyprus Scientific and Technical Chamber of 1990 to and exceptions. 1997.

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106(I) of 1992
15(I) of 1993
31(I) of 1993
53(I) of 1993
44(I) of 1996
34(I) of 1997.

(2) Apart from the ones contained in this Law, all the designs, sketches, writings, studies, calculations and any other document concerning the above that are carried out, which concern any construction, alteration, addition, repair of a building or opening of a street and which are being submitted to the competent authority for the purpose of a permit issuance, are being submitted and signed by the following persons:

(a) Whatever is being carried out with regards to an architectural work, by an architect designer;

(b) whatever is carried out with regards to work of a civil engineer, by a designer civil engineer.

41 of 1962 (3) The provisions of subsection (2) do not apply for the persons who on the 4th of
7 of 1964 November 1993 were registered in the registry of the abrogated Law on Architects and
43 of 1966 Civil Engineers; they continue to have the same rights with regards to signing any of
41 of 1968 the documents mentioned in subsection (2), which they had in virtue of the
84 of 1968 abovementioned abrogated Law.
5 of 1970
49 of 1976
69 of 1984
113 of 1985
175 of 1988
88 of 1991
49(I) of 1992
33(I) of 2002.

(4) (a) Apart from the contents of subsection (2) designs, sketches, studies, writings and calculations and any other relevant document, except static studies and estimates or antiseismic studies and estimates, for the issuance of a permit in order to lay out or divide land for building purposes, may also be prepared, signed and submitted to the competent authority by persons that are registered in the Chamber Register of Members in the field of agronomic-topographic engineering.

(b) The persons to whom a right is granted in virtue of this subsection may also conduct the supervision of the works of laying out or dividing land, solely for building purposes, as provided for in the relevant provisions of the present Law.

33(I) of 2002 (5) Any design, sketch, study, writing, calculation and any other relevant document submitted to the competent authority in virtue of this article is accompanied by the written certification of the Cyprus Scientific and Technical Chamber, as determined jointly by the Minister of Interior and the Cyprus Scientific and Technical Chamber, that the person who prepared the above holds a relevant license to practice the profession in virtue of the Law of the Cyprus Scientific and Technical Chamber.

Terms by the competent authority. 9.—(1) During the grant of the permit by virtue of the provisions of article 3, the competent authority is empowered, subject to the regulations in force from time to time, to examine and impose terms which are indicated in the permit as follows; i.e.-

7 of 32(I) of 2008

(a) with regards to the opening of the construction of a street, terms concerning-

(i) its width, length and position;

(ii) its level, slope and drainage;

(iii) the materials with which and the manner in which it will be constructed;

6(a) of 24/78. (iv) the building of bridges, small bridges, ditches, waysides, sewers and pavements;

(v) the expansion of any street that is adjacent to the street to which the application refers;

(vi) the ensuring of spaces for substations in the appropriate cases;

- 6(b) of 24/78. (vii) the ensuring of public green areas;
- (viii) the planting of trees and bushes where appropriate;
- (ix) the construction of underground conduits and the installation of electricity wires where appropriate;
- (x) the installation of road illumination where appropriate;
- (xi) the transport, installation and continuous provision of appropriate water, which should be sufficient, as well as the appropriate and satisfactory maintenance and operation of the above installation and of the water supply system;
- 5 of 97(I)/92 (xii) the ensuring of a comfortable and safe transportation of disabled persons;
- 57(I) of 2000 (xiii) the execution of the necessary works for the installation of drainage system pipes where appropriate, as provided for by the Law and Regulations of Drainage Systems and according to the terms of the competent authority;
- 157(I) of 2000 (xiv) the ensuring of the safety of mechanical and electrical installations
- 202(I) of 2002
- (b) with regards to the constructing of any new building or addition to, alteration or repair of any existing building, terms with regards to-

(i) the material with which any outside wall, foundation, roof, chimney or other outside part of a building is built and their dimension and width;

(ii) the material with which any inside part of the building is built, to the extent that they affect the durability of the building;

(iii) the regulation which should take place for the sewerage and the drain system;

(iv) the regulation which should take place for the impediment or the spreading of any fire in any building;

(v) the width of any balcony or construction which protrude above the street to which such a building adjoins;

(vi) wells, waterclosets, earthclosets with flushing system, tanks, septic tanks, drain potholes and drain tanks in any building or in relation with any building;

(vii) the ventilation, lighting and hygiene of any building with regard to its ownership as a dwelling or for any other purpose for which it may have been built or intended;

(viii) the possible use of the building;

6(c) of 24/78. (ix) the safety and the comfort of the persons working for the construction of the building or who live in it or who pass by it;

(x) the construction of an appropriate pavement with regards to any new building;

2(a) of 13/74. (xi) the ensuring of sufficient and appropriate water supply and, with the sole exception of a building that constitutes a detached house and which is not a part of a building or a group of buildings or a cluster of buildings or another building development, terms with regards to the transportation, installation and continuous supply of appropriate water which should be sufficient, as well as terms with regards to the appropriate and satisfactory maintenance and operation of the above installation and water supply system.

Provided that, for the making of the decision, in any given case concerning the water sufficiency as provided for above, the needs of the whole area from which the water is being supplied should be taken into consideration.

Provided further that this sub-paragraph does not apply in the case of buildings in plots that have been divided according to a valid permit that was granted in virtue of the basic law and of the Regulations issued in virtue of it.

- 6(d) of 24/78. (xii) the construction of substations where appropriate;
- (xiii) the widening, continuation and construction of the road network where appropriate;
- (xiv) the appropriate construction and arrangement of underground or a covered place of shelter which, in the judgment of the competent authority, are necessary for the safety of the citizens in case of emergency;
- 5(b) of 97(I)/92. (xv) the appropriate construction and arrangement of the building for a comfortable and safe transportation of disabled persons on all floors of the building;
- 157(I) of 2000 (xvi) the appropriate installation of mechanical and electrical installation;
- 101(I)/2006 (xvii) the appropriate energy efficiency of the building.

(c) with regards to the opening of division of any plot for building purposes, terms concerning-

- (i) the demarcation and the dimension of the landmarks;
- 2(b) of 13/74. (ii) the transportation, installation and continuous supply of appropriate water, which should be sufficient, as well as the appropriate and satisfactory maintenance and operation of the above installation and water supply system.

Provided that for the decision making, in any given case, with regards to the water sufficiency as provided for above, the needs of the whole area from which the water is supplied should be taken into consideration.

- (iii) the change of direction of the natural and artificial flow of water;
- (iv) the flattening of the plots;
- 6(e) of 24/78. (v) the construction of streets, bridges, small bridges, sewers and pavements waysides;
- (vi) the expansion of any street that is adjacent to the street to which the application refers;

6(f) of 24/78. (vii) the ensuring of spaces for substations where appropriate;

(viii) the ensuring of public green areas;

(ix) the planting of trees and bushes where appropriate;

(x) the construction of underground conduits and the installation of electricity wires where appropriate;

(xi) the installation of road illumination where appropriate;

2 of 87/87. (xii) the placing of fire hydrants where appropriate;

5(c) of 97(l)92. (xiii) the ensuring of the comfortable and safe transport of handicapped persons.

2 of 14(l) of 1996. (xiv) The performance of necessary works for the installation of a telecommunication or electronic communication network, in appropriate cases.

2 of 21(l) of 2008.

2(b) of 57(l)/2000. (xv) the execution of the necessary works for the installation of a sewerage system where appropriate, as provided for by the Law and Regulations of Drainage Systems.

(2) When the application is being submitted in virtue of paragraph (c) of subsection (i) of article 3, concerning any land the façade of which is on an existing road, the competent authority may deny to grant a permit for the division of such land, unless the application includes the opening of plots which do not have their façade on an existing road. The number of such plots must be in relation to the number of the plots that have their façade on an existing road, as the competent authority may consider advisable in its judgment.

2(c) of 13/74. (3) (a) When an application is being submitted-

(i) in virtue of paragraph (a) or (c) of subsection (1) of article 3 with regards to any land or

(ii) in virtue of paragraph (b) or (d) of subsection (1) of article 3 with regards to any building, with the sole exception of a building which constitutes a detached house and which does not constitute a part of a building or of a group of buildings or of a cluster of buildings or of another building development which is outside a water supply area, the competent authority will not grant permit with regards to the land or the building in question, unless – after taking the advice of the Director of the Water Development Department of the Ministry of Agriculture and Natural Resources (who will be hereinafter referred to as “the mentioned Director”) – it is fully content that

6(g) of 24/78. the term with regards to any land in subparagraph (ii) of paragraph (c) or in subparagraph (xi) of paragraph (a) of subsection (1) of article 9 or, depending on the case, the term with regards to any building in subparagraph (xi) of paragraph (b) of subsection (1) of article 9 are met in such a manner that satisfies the competent authority or the compliance with this term is ensured in the manner mentioned above:

Provided that if in any given case the competent authority disagrees with the mentioned Director, it should forward the issue immediately to the Minister of Interior, who will reach a relevant decision as soon as possible and will promptly communicate his decision to every party concerned and the decision of the Minister shall take effect upon its communication.

(b) The competent authority will not grant any permit in virtue of article 3, unless it is satisfied that the applicant has complied with the provisions of this Law or of any other law that is in force at the time or of a regulation, which concern the provision and supply of water.

(c) For the purposes of this subsection “water supply area” means any area to which the Water Board has the authority to supply water, in virtue of any law that is in force at the time and includes such another area which the District Officer, in consultation with the mentioned Director, decides to define as “water supply area” for the purposes of this paragraph.

2 of 80/82 (4) (a) No permit will be issued by the competent authority concerning a project provided for in paragraph (a) or (c) of subsection (1) of article 3, with regards to any land that is located outside the water supply area, unless the competent authority, after taking the advice of the Director of the Department of Town planning and Housing (who will hereinafter be referred to as “the mentioned Director”), is completely satisfied that this will contribute to the unification or the improvement of existing built-up areas or the completion of the road network within the areas which are under development or under advisable tourist or other unified development.

For the purposes of meeting this prerequisite as mentioned above, the Council of Ministers will issue the necessary or desirable directions and will revise them when the conditions change, through its order, which will be published in the Official Journal of the Republic.

Provided that the competent authority, while the mentioned Director is in agreement, may not require the implementation of the above prerequisite, if this is a way to impose the public interest and upon the approval of the Council of Ministers, after taking into consideration the special circumstances of each case.

4 of 115/86. (b) No permit will be issued by the competent authority concerning a project for which paragraph (b) of subsection (1) of article 3 provides, with regards to the construction of any building that is located outside the water supply area, with the sole exception of a construction of up to four houses, which do not constitute part of a building or of a group of buildings or of a cluster of buildings or of any other building development, unless the competent authority – after taking the advice of the mentioned Director – is fully content that the following prerequisites are met with regards to the intended building construction:

(i) it will contribute to the unification or the improvement of existing built-up areas or the completion of the road network within the areas that are under development or under advisable tourist or other unified development.

Provided that the competent authority, while the mentioned Director is in agreement, may not require the implementation of the above prerequisite, if this is a way to impose the public interest and upon the approval of the Council of Ministers, after taking into consideration the special circumstances of each case.

(ii) it will be used in such a manner as not to have unfavorable effects on public health or the comfortable way of living of the residents of the area.

For the purposes of meeting the prerequisites in sub-paragraphs (i) and (ii), the Council of Ministers through its order, which will be published in the Official Journal of the Republic, will issue the necessary or desirable directions and will revise them when the circumstances change.

(c) In case of a disagreement between the competent authority and the mentioned Director, the competent authority will promptly forward the issue to the Minister of the Interior, who will take a relevant decision as soon as possible and will immediately communicate his decision to every party concerned; the Minister's decision is to be implemented upon its communication.

(d) For the purposes of this paragraph “water supply area” has the meaning given to this term by paragraph (c) of subsection (3).

5 of 81(I) of 1999. **9A.** - (1) Notwithstanding the provisions of this Law or the Regulations issued by virtue of this Law, no permit related to works provided for by this Law shall be granted, unless

6 of 47(l) of the competent authority is satisfied that the applicant has adequately appointed a supervising engineer for the supervision of the performance of the works:

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Supervision of
project and
incompatibilities.

Provided that, for small-scale or low importance project, the competent authority may allow the performance of works indicated in the permit without requesting the appointment of a supervising engineer:

Provided further that for the purposes of this subparagraph "small-scale or low importance project" is defined as such by the Minister's order made upon concertation with the competent authorities.

(2) The project owner must be in writing and promptly inform the supervising engineer for the time when work on implementation of the relevant license and any suspension in the project implementation process.

(3) The supervising engineer who has been duly appointed and has taken over the supervision of the project should-

(a) Not take part in or suffer the commencement of the execution or the implementation of the project under supervision, prior to ensuring the existence of the relevant permit, in virtue of article 3;

(b) supervise, in compliance with the provisions of this Law and of any Regulations issued under it, the project during all execution stages, until its completion.

(4) The relations, the rights, the duties and the obligations that arise during the supervision of the project, between the owner and the supervising engineer on the one hand side and the competent authority on the other hand side, may be regulated more specifically with Regulations, according to the provisions of article 19 of the basic Law.

(5) In compliance with the below mentioned provisos, it is an incompatibility and the following persons are not allowed to act as a supervising engineer:

(a) The contractor of the project; or

(b) the owner of the project.

Provided that the incompatibility referred to within paragraph (b), does not apply for the case of land developers.

Provided further that the incompatibility in question, which is mentioned in the previous proviso, does not apply in the case in which the project is intended for ownership-occupancy. In the event that the building has been constructed based on the provisions of this proviso, is sold or disposed in any other way, the person who took over the supervision of the specific dwelling can not ensure approval for the supervision of a new house for ownership-occupancy before ten years have passed from the purchase or the disposition, unless the competent authority is satisfied that the dwelling that was sold or disposed does not satisfy the needs of the family of the supervising engineer.

(6) For the purposes of this article-

"land developer" means a natural or legal person who is engaged in acquisition, development and disposition of immovable property and maintains an office for the designing and supervision of projects that are registered for the purposes of this article, on the base of criteria which will be determined by Regulations in a specific list, which will be kept by the Cyprus Scientific and Technical Chamber and employs at least one developer, according to the provisions of this Law;

"contractor" means a natural or a legal person to whom the owner has assigned the execution of the project and includes his/her employers or workers;

"owner" means a natural or a legal person on the name of whom the immovable is registered with regards to which the permit for project execution has been requested or issued in virtue of article 3, and it includes the natural or legal person to whom the immovable property in question has been transferred prior or after the permit issuance, as well as their authorized representatives.

7 of 47(l) of 2011. Certificate of approval

10. (1) Notwithstanding that a permit has been granted for a building under article 3 of this Law, no person shall occupy or use, or cause, permit, or suffer any other person to occupy or use, any building unless and until a certificate of approval has been issued in respect thereof by the competent authority.

(2) The holder of a permit shall, not later than twenty-one days from the completion of the work or matter in respect of which the permit has been granted under the provisions

of article 3, notify the competent authority of such completion and submit an application for a certificate of approval.

(3) The supervisor engineer in a period of (30) days from:

(a) the completion of the work or any matter in respect of which the permit was issued under the provisions of article 3, or

(b) the completion of a large proportion work, or

(c) the commencement of use of all or part of the work, without having completed fully or accurately all operations which are provided for the building permit,

shall submit to the competent authority certificate attesting the completion of the work or the subject according to the permit issued as above or the stage and the degree of execution of the work or part of it and the issues on which the work is not in accordance with permit, respectively.

(4) The competent authority, if deemed necessary, within a reasonable period of time from the completion of the work, may request from the supervising engineer to submit a complete report on the performance of the work for which a permit has been issued, on what stage the performance of the work is at, as well as on any aspects of the performed work which do not comply with the permit.

(5) The competent authority may, upon the request of the holder of a permit or of any other person having an interest in the building or in the partition, or on its own initiative, issues a certificate of approval of the work, when satisfied that the work has been completed in accordance with the permit:

Provided that, in case the competent authority issues on its own initiative a certificate of approval, it shall be empowered to request from the supervising engineer to submit the report provided for by subparagraph (4):

Provided further that in case the certificate of approval is issued upon the request of any person having an interest in the building or in the partition or on the initiative of the competent authority, the latter may request for the payment of the relevant fees by the said person and, in case he refuses to pay such fees, the competent authority shall adequately inform the Director of the Lands and Survey Department, so the due fees be made necessarily payable before the transfer and registration of the unit to the owner or to a person having an interest in the building, in proportion to the obligation that already exists and applies in relation to various taxes and duties, in relation to

which the production of payment receipts is required prior to registration:

Provided further that the certificate of approval issued in accordance with this article, legitimises any work to which it refers and may be issued regardless the existence of a valid planning permission or construction permit.

(6) The competent authority may issue a certificate of approval for part of the work or the subject for which the permit has been issued.

(7) The competent authority always sends to the District Land Officer a copy of each certificate of approval issued in accordance with this Law.

8 of 47(l) of 2011. Administrative fine. **10A.** (1) In case the competent authority establishes that the holder of a permit did not submit an application in violation of subparagraph (2) of article 10, the competent authority may impose to such person an administrative fine not exceeding €1,000, for each month of delay, regardless of whether or not there are grounds of criminal liability by virtue of this Law or other law or regulations.

Provided that for an existing building, as defined in article 10(D) of this Law, the competent authority may impose an administrative fine under this article, if a declaration of intention or application defined in subparagraph (2) of article 10(D), is not submitted within the specific deadlines.

(2) Before the competent authority imposes an administrative fine, it informs the person concerned of its intention to impose the said administrative fine, stating the reasons of its intention and giving him the right to submit representations, within a limitation period of 15 days from the day of notification.

(3) The competent authority imposes an administrative fine under subparagraph (1) by a written and justified decision send to the person concerned and which-

(a) indicates the infringement;

(b) informs the person concerned of his right to appeal against the decision-

(i) by an hierarchical recourse to the Minister in accordance with article 10(E); and

(ii) by recourse brought before the Supreme Court under Article 146 of the Constitution

(c) becomes enforceable upon its transmission.

(4) The Minister shall be empowered to give instructions related to the indicative criteria for the calculation of the administrative fine imposed by virtue of subparagraph (1), without restricting the absolute discretion of the competent authority to freely decide the

amount of the administrative fine imposed, based on the real facts of each case.

8 of 47(l) of 2011. Certificate of approval with notes. **10B.** (1) Without prejudice to the provisions of article 10 of this Law, following the completion of the works, in case the competent authority thinks that works of non-substantial importance have been completed without complying with a permit issued under article 3, with a view to issue a modernised title deed or parts thereof, the competent authority may, upon the request of the holder of the permit or of any person having an interest in the building or in the partition, or on its own initiative, issue a certificate of approval with notes, by following the procedure of subparagraphs (2), (3), (5) and (6) of article 10, depending on the case.

(2) The certificate of approval with notes, by virtue of subparagraph (1), indicates the parts of the building which do not comply with the permit issued and reference is made to the specific infringement of provision of any law or term of the construction or partition permit.

(3) A certificate of approval with notes issued in accordance with this article may be issued regardless whether or not there is a planning permission or a construction permit in force.

(4) The certificate of approval with notes issued by virtue of this article shall be sent to the local District Land Officer and is considered as an inherent requirement of the competent authority towards the local District Land Officer for the registration of a note of irregularity in the modernised title deed.

8 of 47(l) of 2011. Certificate of unauthorised works. **10C.** (1) Without prejudice to the provisions of article 10 of this Law, following the completion of the works, in case the competent authority thinks that works of substantial importance have been carried out relating to the erection of a building or the partition of plots outside the limits of the property or to the substantial effect on the amenities of adjacent properties or to the effect on the safety of people or other buildings or on the public health or on any other matters that may be determined by the Minister's order, which do not comply with the permit issued under article 3, the competent authority may upon the request of the holder of the permit or of any other person having an interest in the building or the partition, or on its own initiative, issue a certificate of unauthorised works, by following the procedure of subparagraphs (2), (3), (5) and (6) of article 10, depending on the case.

(2) The certificate of unauthorised works issued by virtue of this article shall be sent to the local District Land Officer and is considered as an inherent requirement of the competent authority towards the local District Land Officer for the registration of a prohibition on the voluntary transfer and charge of the affected immovable property or independent part thereof:

Provided that the above prohibition shall not apply in case of non voluntary transfer or charge or transfer through an inheritance or donation to a spouse or children or to family members (up to third degree relatives) and transferred to new owners.

(3) For the purposes of this article, “ voluntary transfer or charge” means the transfer of charge of the affected immovable property made with the free will of the transferor, without any pressure after taking legal measures, and shall not include transfer or charge made following a procedure of special enforcement by virtue of the Sale of Lands (Special Enforcement) Law, as amended or replaced from time to time, following a court order, enforcement, divestment due to mortgage or other protective measure.

Cap. 232
50 of 1970
96 of 1972
51(I) of 1995
96(I) of 1997

8 of 47(I) of
2011.
Temporary
provisions on
the issue of a
certificate of
approval for
irregularities on
an existing
building or a plot
under
development.
Annex.

10D. (1) Without prejudice to the provisions of article 10 of this Law, with the view to the approval of an existing building or a plot under development, which do not comply with the permit, the competent authority may upon the request of the holder of the permit or of any person having an interest in the building or in the partition, on its own initiative, issue a certificate of approval even when there are irregularities on an existing building or a plot under development, provided that these irregularities shall be included in the Annex, following the opinion of the Committee:

Provided that the certificate of approval issued in accordance with this article legitimises any work to which it refers and may be issued regardless the existence of a valid planning permission or construction permit or partition permit.

2 of 66(I) of
2013.
2 of 131(I) of
2011.
2(a)(i)(ii) of 34(I)
of 2012.
2 of 149(I) of
2012.

(2) The request referred to in subparagraph (1) shall be submitted by 31 December, 2015, provided that the relevant declaration of intention for the submission of a request is lodged with the Minister by 30 April, 2014 together with a solemn declaration of the applicant, certifying that the building or the partition for which a request is submitted, existed on the above date.

(3) The request referred to in subparagraph (1) and (2) shall be accompanied by the construction or partition permit and the planning permission, any architectural or/and other drawings showing the building or the plot under development as it exists at the time of the submission of the request, and which include the differentiations in relation to the drawings and documents of the permit.

Provided that in case the construction permit has been issued before 01 January, 1994, the request shall be accompanied by a report on the condition of the static load carrier of the building:

Provided further that in case the static load carrier of the building has been modified comparing to the construction permit, regardless the date of issue of the permit, the request should also be accompanied by a structural design under the code in force at the time of issue of the permit, as well as by a report of the actual condition of the static load carrier of the building:

Provided that in case the competent authority acts on its own initiative, it may request from the holder of the permit or any person having an interest in the building or in the plot under development, to produce any such documents.

(4) A request submitted in accordance with this article, accompanied by all the necessary documents referred to in subparagraph (3), together with a full report of facts prepared by the competent authority, shall be sent to the Committee for consideration:

Provided that the Committee may additionally request any other document which according to its judgement is needed for the processing of the request or a certificate for the information of the owners and buyers of adjacent properties or other units of the building or other buildings of the division, which eventually are affected by its decision or even any representations submitted in relation to the request.

(5) the Minister shall appoint a three-member Committee for consideration and taking a decision in relation to the request submitted in accordance with this article, which is formed by –

(a) the Permanent Secretary of the Ministry of Interior or his representative, as Chairman;

(b) the Director of the Department of Town Planning and Housing or his representative and a representative of the Cyprus Scientific and Technical Chamber (ETEK) following concertation with the Union of Cyprus Municipalities and the Union of Cyprus Communities, as members:

Provided that the Minister may appoint more than one Committee and determine the

geographical area in which each Committee may exercise the competences referred to in this article.

(6) The Chairman of the Committee shall convene the meetings of the Committee with a written invitation to the members and coordinate its proceedings.

(7) The three members of the Committee present shall be a quorum and its resolutions shall be passed by a simple majority.

(8) Should the Chairman or a member of the Committee have a material and personal interest in a matter addressed by the Committee, they shall be obliged to notify the Committee of such interest and to abstain from its meeting where such matter shall be discussed. In such cases, the Minister may appoint another person in replacement of the Chairman or the member of the Committee.

(9) The Committee shall decide on the application and gives its opinion to the competent authority, taking into consideration the provisions of this article, including the application submitted and all relevant elements submitted together with the application, the relevant certification that may be requested on the information of the owners and purchasers of adjacent properties or other units of the building or other plots of the partition, according to subparagraph (4) and the opinions that may be submitted as a result of this information.

(10) the competent authority, following receipt of the opinion –

(a) in case of a positive opinion as to the grant of the certificate of approval, shall issue the said certificate, but may impose additional terms that do not pertain to matters covered by the opinion.

(b) in case of a negative opinion, shall be bound by it:

Provided that each opinion of the Committee shall be published on the competent authority's website.

(11) The certificate of approval issued by the competent authority under this article shall also be counted as a permit for expansion, addition or transformation of an existing building or a plot under development:

Provided that in case of a jointly owned building the value of the work legitimised or registered in a title deed on any unit shall not be taken into consideration when calculating the share of the unit on the jointly owned building.

Annex. (12) Subject to the provisions of this article, a certificate of approval may be granted only upon the satisfaction of the conditions, terms and restrictions provided by subparagraph (13) and the Annex of this Law.

(13)(a) A certificate of approval may be granted only where the applicant of a certificate of approval of non authorised works by virtue of subparagraph (1) pays in compensation of the exceeded construction area an amount equal to the value of the construction area corresponding to the exceeded construction area, or where the exceeded construction area is compensated by the applicant of a certificate of approval of non authorised works by virtue of subparagraph (1) by transferring a construction coefficient from a listed building or another land, which corresponds to the exceeded construction area and is conceded to the State.

47(l) of 2011. (b) The value of the construction area referred to in subparagraph (1) which corresponds to the exceeded area shall be calculated by the applicant and checked by the Committee based on general estimations per region and use prepared by the Director of the Lands and Survey Department for the purposes of the Streets and Buildings Regulation Law (Amending Law) of 2011, which are included in an Order made by the Minister and published in the Official Gazette of the Republic of Cyprus.

2(b) of 34(l) of 2012. (c) Applications submitted before 31 December, 2012, shall benefit from a reduction of 20% of the compensation and those submitted before 31 December, 2013, shall benefit from a reduction of 10%.

(14) The compensation to be paid for the exceeded construction area of the building shall be deposited to the Special Fund of the local authority and the funds collected shall be used for the improvement of infrastructures and the environment of the region of the local authority.

(15) Subject to the provisions of this article, in case an application is made for a certificate of approval of irregularities in an existing building, in relation to which the Town Planning Authority has granted a planning permission under article 45A of the Town and Country Planning Law, the competent authority shall issue a certificate of approval without requesting the opinion of the Committee, provided that a report by the supervising engineer on the condition of the static load carrier of the building is submitted together with the application.

(16) For the purposes of this article:

“immovable property” and “unit” shall have the same meaning as in the Immoveable Property (Tenure, Registration and Valuation) Law ;

10 of 1966
75 of 1968
51 of 1971
2 of 1978
16 of 1980
23 of 1982
68 of 1984
82 of 1984
86 of 1985
189 of 1986
12 of 1987
74 of 1988
117 of 1988
43 of 1990
65 of 1990
30(I) of 1992
90(I) of 1992
6(I) of 1993
58(I) of 1994
40(I) of 1996
31(I) of 1998
144(I) of 1999
123(I) of 2001
57(I) of 2005
5(I) of 2006
55(I) of 2006
136(I) of 2006
120(I) of 2007
121(I) of 2007
150(I) of 2007
165(I) of 2007
27(I) of 2010
61(I) of 2010
82(I) of 2010
83(I) of 2010
48(II) of 2011.

“independent and/or comfortable enjoyment” in relation to an existing building or development or unit in a building or a plot, shall mean the situation where a building or partition of plots in which, even though the erection of the building or the partition of the plot have not be completed in accordance with the terms of the permit granted, the competent authority establishes the satisfactory independent operation and service of the building or unit or plot, regardless:

(a) the completion and operation of another unit of the building or the completion of the division of a plot; or

(b) any imperfection or lack or irregularity or illegality in another unit of the building or another plot of the division.

“Committee” shall mean the Committee appointed by the Minister under the provision of subparagraph (5) of this article;

“irregularity” in relation to an existing building or a plot under development shall mean the violation of any term of the construction or division permit or the expansion or addition or change in use or the transformation of the building in violation of the approved drawings and terms;

47(l) of 2011. “plot under development” shall mean a piece of land resulting from the transformation or division of an immovable property into plot or individual plots under a division permit issued in accordance with article 3 of this Law, provided that on the date of entry into force of the Streets and Buildings Regulation (Amending) Law of 2011, the kerb units have been installed, the streets can be easily used by vehicles and the calculation of the surface area of the plot or plots has been certified by a competent person, and for which a certificate of approval has not been issued by the competent authority, under article 10;

47(l) of 2011. “existing building” means the building or complex of buildings consisting of more than one units erected upon the issue of a construction permit under article 3, and which has been substantially completed and its individual unit is held or may be held independently and comfortably enjoyed as a unit, on the date of entry into force of the Streets and Buildings Regulation (Amending) Law of 2011.

8 of 47(l) of 2011. Lodging and examination of hierarchical recourse. **10E.** (1) Any person who thinks that the Committee’s decision on an application submitted by virtue of articles 10B, 10C and 10D, is detrimental to his legal rights or disagrees with the decision of the competent authority regarding the imposition of an administrative fine under article 10A, may lodge a hierarchical recourse with the Minister.

(2) The recourse before the Minister is lodged in writing with a limitation period of 30 days from the transmission of the contested decision to the person concerned.

(3) The hierarchical recourse of subparagraph (1) does not suspend the execution of the decision.

(4) The Minister examines the recourse and, after he hears the persons concerned or gives the opportunity to them to present their opinions in writing, decides thereon in accordance with subparagraph (5), at the latest within a period of 30 days.

(5) The Minister may take one of the following decisions:

(a) Validate the contested decision;

(b) Cancel the contested decision;

(c) Amend the contested decision;

(d) Take a new decision in replacement of the contested decision.

(6) The Minister notifies his decision made in accordance with subparagraph (5) to the person concerned, the Committee and the competent authority.

Control of streets. **11.-** Every street that was constructed in virtue of a permit granted in virtue of the provisions of article 3 is – immediately after the certification of approval is granted – considered to be a public street and-

(a) if it is located within the boundaries of a municipality it falls under the control of the relevant Municipality and from that point on the repair and maintenance costs of the specific street will be carried by the Municipality;

(b) in every other case, unless otherwise provided by any law that is in effect at the time, it falls under the control of the Government and the repair and maintenance costs of the specific street will be carried by the Government.

Special provisions concerning the broadening or aligning of streets.

12.-(1) Notwithstanding the provisions included within this Law, the competent authority may – for the purpose of broadening or aligning of any street – prepare or take the necessary steps for the designs to be prepared, which outline the width of this street and the address this should receive.

(2) When any designs have been prepared in virtue of subsection (1), the competent authority lays these designs to its offices and it also takes the necessary steps for the notification to be published in the Official Journal of the Republic and in one or more local newspapers, stating that the designs have been prepared and submitted to its

offices and are available to be reviewed by the public, at any reasonable time, for a period of three months from the date of the notification publication in the Official Journal of the Republic.

(3) Upon expiration of the period stated in subsection (2) the designs - in compliance with any decision of the Council of Ministers after an appeal as provided for in article 18 – become binding for the competent authority, and for all persons affected by them and no permit will be issued by the competent authority unless in accordance with these plans.

Space between new and old outer sides of the streets are part of the street. **13.**-(1) When the competent authority grants a permit, and this permit entails a new outer side for any street, in accordance with any design which became binding in virtue of article 12, any space between such an outer side of the street and the old outer side of the street which remains when a permit is granted, becomes part of this street without the payment of any compensation by the competent authority.

Provided that, in case it is established that damage would occur if compensation would not have been paid, the competent authority pays such compensation, as it considers justifiable while taking into consideration all the circumstances of the case.

(2) When a permit is granted in virtue of subsection (1) the Department of Lands and Surveys, upon application of any interested party, takes the steps needed in order for the necessary amendments in the relevant entries to be made and the entry that has been amended is considered final despite the fact that any certification relevant to it remains unalterable.

Authorization of the competent authority to define zones. **14.**-(1) The competent authority may – upon approval of the Council of Ministers – through a notification, which is published in the Official Journal of the Republic, define zones-

(a) within which buildings may or may not be constructed for specific professions or industries or which are preserved exclusively for residential purposes or for other purposes.

2 of 65/64. (b) which will be preserved for their exclusive use as tourist zones within which the only buildings that may be constructed will be of a particular character, type, design, exterior appearance and in general buildings which have characteristics that comply with the general appearance and usage of the area.

(c) within which the buildings of lesser value than the one described in the notification will not be constructed.

2 of 38/69 (d) within which the maximum number of building floors or the maximum height of the building of any part of them, or the total area of all the building floors or all or any of the above will be regulated.

(2) Notwithstanding any provision included within this Law, after the notification publication in virtue of paragraph (1), no permit will be issued by the competent authority, unless it complies with such a notification.

2 of 12/57. Provided that if the competent authority states that it is satisfied that the issuance of the permit is required for purposes of the public interest, the Council of Ministers, after receiving and studying this statement, may authorize the competent authority to issue a permit in another manner or according to such a notification.

2(a) of 71(I)/98.

3 of 14/59. Provided further, and without affecting the realization of the first proviso of this paragraph, that if the Council of Ministers is satisfied that the issuance of the permit is necessary for the public interest, it may order the Director of the Department of Planning and Housing to issue such a permit in another manner or according to such a notification and the Director complies with such an order and, with regards to such a permit, he is considered to be the competent authority and he has the authorizations of the competent authority in virtue of this Law and any permit issued in this manner affects all purposes of this Law as if it had been issued by the competent authority.

2(b) of 71(I)/98. (3) The authorities of the Council of Ministry according to subsection (2) of the present article, are exercised based on Regulations approved by the House of Representatives and which may provide for such terms, restrictions, prerequisites and criteria that may be defined for the purpose of exercising the powers assigned to the Council of Ministers. Each decision of the Council of Ministers which is issued in accordance with subsection (2), is published in the Official Journal of the Republic and is being submitted, together with its grounds, to the House of Representatives for informational purposes.

2 of 61(I)/99. Provided that the provisions of this paragraph do not apply as long as no Regulations exist, with regards to authorizations that the Council of Ministers may delegate to the competent authority, while exercising its power in virtue of the first proviso of subsection (2) of the present article, for the issuance of a permit by the authority in question, upon an application of the Electricity Authority of Cyprus.

Authorization 15. The competent authority may, through an order, close down any building, which, to close down according to the judgment of the authority is not fit for human habitation due to buildings that unhealthy circumstances, bad ventilation or jostle, or the habitation is dangerous due to are not fit its structural faults; it may however prohibit the future use of the building for such a for human habitation until all necessary measures are taken, until it is reconstructed, altered or habitation. repaired in such a manner as defined by the authority.

Dangerous 15A.-(1) When a competent authority is convinced that any building, occupied or not, buildings which is in such a condition that it becomes dangerous for the persons living in it or in 2 of 6/64. the neighboring building or for the persons who pass by or for the neighboring buildings and that the taking of measures is incumbent in order to remove such a danger, this competent authority may issue the decision concerning this matter, and the following provisions will apply:

(a) the competent authority, through a written notification that is serviced to the owner, informs him of the decision taken as well as of the reasons which support this decision and calls upon him to repair, remove, protect or fence the building and in general to take all measures determined within the notification, which, in the opinion of the competent authority would be enough for the removal of every danger that derives from such a building; the owner should comply with the above within the timeframe fixed within the notification, which is in no case less than three days from the service of the notification (this timeframe is mentioned in this article as "fixed deadline").

(b) If after the service of the notification to the owner, he does not comply within the determined timeframe with the demands included within it, the competent authority may take the necessary steps for the execution of such works considered to be appropriate for the repair, removal, protection or fence or for the realization of the measures determined within the notification and the relevant expenses will be carried by the owner, and their payment may be demanded with legal proceedings through an action concerning civil debt.

Provided that it is not possible to take any measure in virtue of this paragraph, with regards to a building which is being used as a dwelling without a Court order that allows entrance in such a building and the taking of the measures proposed in compliance with every Rule of Court; this order is being issued after a proceeding which commences with application submitted by summons in accordance with the familiar procedural rules.

(2) For the purposes of this article-

"Court" means the District Court of the district where the building is located.

"service" of notification is considered to have taken place if it is delivered to the owner or, if he is not within the Republic and his address is known, if it is sent to such an address by double registered post or, if the owner is unknown or it is not possible to find him, if it is published in two at least daily newspapers of the same language as that of the owner, which are distributed in the district where the building is located and it is posted up on an obvious part of the building.

"owner" means the person which is registered or which has the right to register as the proprietor of the building; if however the abovementioned person does not have possession of the building, it also includes the person that has natural possession of it as well as the representative of the owner.

Registration. **16. Repealed with article 9 of Law 47(I) of 2011.**

Construction, reconstruction
17.-(1) For the purposes of this article-

and improvement of streets. **"owner"** means the person who is registered or is allowed to register in the registry of the Department of Land and Surveys as the proprietor of immovable property, which is affected by a notification issued in virtue of subsection (3).

"appropriate construction, reconstruction and improvement of a street" includes the broadening or the reconstruction of the street foundations, appropriate regulation for the drainage of the surface water, the construction of pavements and the asphaltting or paving of the asphalt road surfaces and the pavements but it does not include maintenance works.

(2) When the competent authority finds that a street should be appropriately constructed, reconstructed or improved, this authority may take a decision with regards to this matter and it prepares designs and specifications and pre-measurements for this project.

157(l) of 2000 Provided that when the competent authority is the Municipal Council of the Municipality or the Community Council or a council appointed by the Council of Ministers in virtue of reservation of paragraph (a) of subsection (2) of article 3 or in virtue of the first proviso of paragraph (b) of subsection (2) of article 3, this decision is made by majority of the two thirds of the members of this competent authority, who occupy a position.

(3)When a decision has been taken and the designs and the specifications and the pre-measurements have been prepared in virtue of subsection (2), the competent authority submits such plans and specifications and quantities to its offices and it ensures the publication of the notification in the Official Journal of the Republic and in one or more local newspapers, that this decision has been taken and the designs and specifications and pre-measurements may be reviewed by the public at any justifiable time, for a period of two years from the publication of the notification in the Official Journal of the Republic.

This notification also states-

(a) The estimated cost of the project;

(b) any amount of money that has not been spent, which has been paid to the competent authority in virtue of article 6;

(c) the names of the owners who will contribute to the expenses;

(d) the proportion according to which their contribution will take place;

(e) the number of the years during which these owners may pay their contribution in equivalent annual installments.

(4) Every owner of immovable property who is affected by any designs and specifications and pre-measurements that have been prepared and submitted in accordance with subsection (3) may - within the period during which such designs and specifications and pre-measurements are to be reviewed – file an objection in writing concerning the issue to the competent authority.

2(a) of 72(l)/97. (5) After the expiration of the period during which the prepared designs and the specifications and the pre-measurements have been submitted for review in virtue of subsection (3), the competent authority examines promptly every objection filed in virtue of subsection (4) and it takes the appropriate decision, in accordance with the provisions of subsection (6).

- 2(b) of 72(I)/97. (6) The competent authority, after having examined each filed objection and taken into consideration all circumstances has the authority to approve the designs, specifications and pre-measurements that have been prepared in virtue of paragraph (3) either absolutely or in compliance with any amendments or terms which it will consider advisable to adopt and this decision of the authority is final.
- 2(c) of 72(I)/97. (7) When the competent authority has approved the designs, specifications and pre-measurements in question, a relevant notification is published in the Official Journal of the Republic and the designs, specifications and pre-measurements are established to be binding by the competent authority and for all the affected owners.
- (8) The expenses for such a construction, reconstruction or improvement after the deduction of any amount of money which has not been spent and which has been paid to the competent authority by an holder of a permit in virtue of subsection (6), will be carried by the owners of the immovable property which borders on this street and these expenses will be divided amongst the owners affected, in proportion to the façade of the respective immovable property which has its façade on or borders on the street in question.
- 2(d) of 72(I)/97. Provided that the competent authority may reduce the amount of the expenses that will be divided amongst the owners affected to such a rate as the competent authority may approve.

Provided further that no such division of expenses is carried out in relation with any of the following immovable properties:

- (a) Sacred places or buildings that belong to any religious community and are being used exclusively for the purposes of public worship;
- (b) cemeteries or burial grounds;
- (c) land which is registered or filed in the Registry of the Department of Land and Surveys as public grassland;
- (d) land or open spaces, filed or ceded “ab antique” for the public use of the community;
- (e) immovable property, which belongs to the Republic;

- Cap.166. (f) any immovable property which is owned and registered in the registry of the Department of Land and Surveys as a trust for schools of primary education of any religious community, in virtue of the Law on Primary Education and for schools of secondary education in virtue of the Law on Secondary Education or of any other law that amends or replaces these.
- Cap.169. (9) When the construction, reconstruction or improvement works are completed, an accurate expense report is being published in the Official Journal of the Republic together with the final division of the expenses amongst the owners affected or between the competent authority and the owners affected, depending on the case. The proportion in such an expense and the annual installment for such a proportion payable by such owners, is entered in the registry of the Department of Land and Surveys and is considered to be a charge on relevant immovable property and a tax to be paid by such owners and is collected by the competent authority from every such owner in the manner determined in the Collection of Taxes Law and from that point on no such owner sells, transfers, alienates or disposes of any of his immovable property affected in this manner, unless prior to such a selling, transfer, alienation or disposition he presents before the Department of Land and Surveys a receipt of payment by the competent authority for all the amounts due, which are pending on his behalf regarding this affected immovable property.
- Hierarchical appeal
3 of 13/74. **18.-(1)** Every person, who-
- (a) is not satisfied-
- (i) by a decision of the competent authority, which has been issued in virtue of article 3, 6, 9; or
- (ii) by the order issued by it in virtue of article 15; or
- (iii) by an order issued by it in virtue of article 15A
- (b) objects to designs that have been prepared by the competent authority in virtue of article 12, may – within twenty days from the time s/he will be notified regarding the decision mentioned in sub-paragraph (i) of paragraph (a) of this paragraph or the order mentioned in sub-paragraph (ii) of the same paragraph or within seven days from the time s/he will be notified regarding the order mentioned in sub-paragraph (iii) of the same paragraph and at any time during which the designs are available for review, in case of paragraph (b) of this section – dispute such a decision, order or designs through a written appeal, which lists the reasons to support it, addressed to the Minister

of the Interior.

(b) objects to designs that have been prepared by the competent authority in virtue of article 12, may – within twenty days from the time s/he will be notified regarding the decision mentioned in sub-paragraph (i) of paragraph (a) of this paragraph or the order mentioned in sub-paragraph (ii) of the same paragraph or within seven days from the time s/he will be notified regarding the order mentioned in sub-paragraph (iii) of the same paragraph and at any time during which the designs are available for review, in case of paragraph (b) of this section – dispute such a decision, order or designs through a written appeal, which lists the reasons to support it, addressed to the Minister of the Interior.

(2) The Ministry of the Interior immediately examines each appeal addressed to him and if, in any specific case, he considers it to be necessary or advisable he listens or chooses another way to give a chance to the applicant to support the reasons for which he proceeded to an appeal. The Minister takes the decision regarding every appeal as soon as possible and he/she informs the applicant immediately about his decision.

Provided that the Minister may assign an official or a committee of officials of the Ministry to examine specific matters that appear in the appeal and to submit to him/her the conclusion of this examination, before the Minister issues his decision with regards to the appeal.

(3) A person who is not satisfied by the Minister's decision, may appear before Court, however, the decision, the order or the designs of the competent authority, as it may be in each case, are not to be executed until the issuance of the Minister's decision in case of an appeal addressed to him/her or in case no appeal was addressed to him/her, until the expiration of the deadlines provided for in subsection (1) concerning the planning appeal.

Regulations. **19.-(1)** The Council of Ministers may issue Regulations that are published in the Official Journal of the Republic, with regards to all or any of the following purposes, i.e.-

8 of 32(l) of **(a) Deleted.**
2008

(b) the annexation of special terms on any permit;

(c) to provide the supervision and control means of streets or buildings for which permits have been granted either in general or in relation to streets or buildings in a

specific area;

(d) the minimum dimensions and the shape of the plots in relation to which the permits may be granted, the proportion of the area of any plot, which may be build up and the distance of any building from the borders of the plot;

(e) the material for the construction of buildings and the method of construction, repair or alteration of them or the outer appearance, durability, fire resistance, ventilation, sewerage system, hygiene and water supply of the buildings;

3(a) of 38/69. (e1) the regulation for the maximum number of building floors or the maximum height of buildings or any part of them or the maximum total area of all the building floors, or all or any of the above*;

2 of 28/74. (e2) for and with regards to buildings, the determination and regulation of parking spaces and passage of vehicles of any nature;

9 of 24/78. (e3) the regulation for access to a public street from any building or land with regards to which a permit may be issued in virtue of article 3.

6 of 97(I)/92. (e4) the regulation for the comfortable and safe transportation of disabled persons;

157(I) of 2000 (e5) the regulation for the installation of mechanical and electrical installations;

101(I)/2006 (e6) the regulation for the energy efficiency of buildings as defined in the regulations;

(f) the safety of the buildings' owners or of the persons using the buildings and the persons who attend them;

(g) the fees that are paid for any permit that is being issued in virtue of this Law and the way of payment of such fees;

(h) any issues necessary for ensuring the compliance with the Regulations that have been issued in virtue of the provisions of this Law or issues that relate to ensuring the compliance with them;

(i) in general the best possible application of the provisions of this Law.

(2) Any Regulations issued in virtue of the provisions of subsection (1) may be issued with regards to any particular area within which the competent authority exercises power in virtue of the provisions of this Law.

(3) Regulations that are issued in virtue of this article are submitted to the House of Representatives. If the House of Representatives does not reach a decision within thirty days from this submission, to amend or annul all or part of the Regulations submitted in this manner, as soon as the above deadline expires they are being published in the Official Journal of the Republic and enter into force from this publication. In case the House of Representatives proceeds to the amendment of all or of a part of the Regulations, these will be published in the Official Journal of the Republic as amended and are put in effect from their publication*.

Offences and penalties. **20.**— (1) Any person who breaches :

7 of 44/54. (a) any of the provisions of article 3, 4(1A), 9A or 10(1) and 10(2)

7(a) of 81(I) of

1999. (b) any term imposed in virtue of article 6 or 9;

10 of 47(I) of

2011 (c) any order, decision or notification that has been issued or served in virtue of the provisions of article 15 or 15A;

(d) any operative provision or a ban of the Regulations issued in virtue of this Law,

commits an offence punishable by imprisonment not exceeding twelve months or by a penalty payment not exceeding one thousand pounds or by both of these punishments.

3 of 18/55. (2) When an offence is committed in virtue of subsection (1), it is considered that each of the following persons took part in committing it and that s/he is guilty and s/he may be prosecuted and tried that s/he indeed committed this offence and s/he may be punished as appropriate:

(ii) every person who actually executes the act or omission which consists the criminal offence;

(iii) every person who acts or omits to act in order to make the commitment of the

criminal offence possible by someone else or to provide contribution for the commitment of the offence by someone else;

(iii) every person who promotes, provides contribution to another person or motivates it to commit the criminal offence;

(iv) every person who asks from another person or incites or tries to convince another person to commit the criminal offence;

(v) every person who executes any action that is preparatory to the committing of the criminal offence.

7(b) of 81(I)/99. (2A) When an offence in virtue of this article is being committed by the supervising engineer concerning the fulfillment of his/her duties as a supervising engineer within the framework of clerical or other dependable employment relationship with the land developer, then this developer is an accomplice of the supervising engineer in virtue of the present Law, in the same manner and to the same extent as if he/she had personally committed the offence.

2(a) of 67/63. (3) Additionally to any other punishment determined by this article, the Court before which a person is tried with regards to any criminal offence in virtue of subsection (1), may order-

(a) that the building or any part of it, depending on the case, regarding which the criminal offence has been committed be demolished or moved within such a timeframe as such an order sets, which, however, in no case exceeds two months, unless a relevant permit is granted by the competent authority in the meantime.

Provided that this authority may, upon granting such a permit, impose such terms as it considers advisable and the provisions of article 4 apply for each such permit.

2(a) of 108/88. (b) in case of a building for which the relevant certificate of approval has not been granted in accordance with the provisions of article 10, or when the specific usage of the building is not in accordance with the approved usage, based on the relevant permit, the termination of the usage of this building within the timeframe set in the Court order, which, however, does not exceed two months, unless the relevant certificate of approval or the relevant permit for the specific usage has been granted by the competent authority in the meantime.

7(b) of 81(I)/99

Provided that the competent authority, upon issuance of the aforementioned permit, may impose the terms it considers advisable and the provisions of article 4 apply for each such permit or certificate.

(c) the sentenced person to carry the expenses of the proceedings and any fees that relate to the accusation, which this person was obliged to pay and which s/he omitted or denied or neglected to pay.

2(b) of 67/63. (3A) The Court before which the accusation against a person is tried, for an offence
4(a) of 13/74. that was committed in violation of subsection (1), may, upon an ex parte application,
2 of 15/83. order the suspension of any further work with regards to any building or street that is
3(b) of 108/88. under construction, demolition, repair or reconstruction or the approved usage of the
building, which is to be converted, until the final trial of the case with regards to which
the accusation has been charged.

3(b) of 13/74. Provided that the issuance of such an order is subject to the provisions of the Law on
Cap. 6 Civil Procedures, the Laws on Courts and the Procedural Regulations on Civil
11 of 1965. Procedures.
14 of 1960
50 of 1962
11 of 1963
8 of 1969
49 of 1970
58 of 1972.
S.L. Vol.. II,
Page. 120,
Official Journal
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Three:
20.5.1954
21.6.1956
8.5.1958,
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Government
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Two:

14.10.1965

23.12.1965

29. 1.1969

24.10.1969

6.10.1972

18. 1.1974

4. 6.1976.

2(c) of 67/63. (4) If any person against whom an order has been issued in virtue of the provisions of Cap.155 paragraph (3) or (3A), omits or neglects to comply with such an order within the 93 of 1972 timeframe defined within it, it is legal for the competent authority to execute such an 2 of 1975 order and the expenses occurred for the execution of it are being paid to the competent 12 of 1975. authority by the person against whom the order has been issued and these expenses are considered to be a punishment, with the meaning mentioned in the Law on Civil Procedures and the payment is imposed according to them.

2(c) of 67/63. (5) Any person against whom an order has been issued in virtue of paragraph (3) or 3(l) of 166/87. (3A), who does comply with or omits to comply with such an order, is guilty of a criminal offence, regardless of whether the competent authority has proceeded to the execution or has executed this order and is subject to imprisonment for a period of time, which does not exceed three months or to a penalty payment, which does not exceed one hundred fifty pounds or to both of the above punishments.

(6) All penalty payments received in relation with any criminal offence committed in breach of this article are paid to the relevant competent authority.

Failure of the competent authority to comply with the provisions of the Law and the Regulations. **21.-(1)** When a complaint is submitted to the Council of Ministers, that the competent authority failed to comply with any of the provisions of this Law or with any of the Regulations issued under it or that it failed to prosecute or take the necessary measures to prosecute any person liable for any violation of this Law or of any of the Regulations issued under it, the Council of Ministers – if it is convinced that the authority is guilty of the alleged omission and that it would be in the public interest to act in this manner – issues an order, which sets a timeframe for the execution of the issue of this complaint and, if the competent authority fails to correct the omission within the timeframe set in the order, the Council of Ministers may appoint a person or a council consisting of not more than three persons to correct the omission and all costs and expenses that interweave with or are incidental with the purpose or the purposes in relation to which the assignment is executed, will be paid by the competent authority in

default or by any members of this authority, who, in the opinion of the Council of Ministers were responsible for the omission, whether these members continue to occupy a post or not.

(2) When the costs and expenses that must be paid in virtue of subsection (1) are verified, the Council of Ministers may issue a certificate in relation to these and the certificate is executed as if it were a Court order, upon the submission of a copy of this certificate to the Register of the District Court of the district within which the property is located.

Special power of the Council of Ministers in particular cases. **22.-(1)** When a complaint is submitted to the Council of Ministers that, due to the failing of the competent authority to comply with or to apply the provisions of this Law or of any Regulations that are in force at the time, any buildings have been constructed in any part of any district within which this authority operates, which do not comply with the provisions of this Law or with these Regulations, the Council of Ministers – if it is convinced that it would be in the public interest to act in this manner – issues an order setting a timeframe for the execution of the matter of this complaint and, if the omission is not corrected by the competent authority within the timeframe set within the Order, the Council of Ministers may appoint a council consisting of not more than three persons to investigate the matter and to submit to it a report concerning it.

(2) A Council appointed in virtue of the provisions of paragraph (1) has the power-

(a) to safeguard every such proof, in writing or orally, and to question all these persons as witnesses, as it may consider necessary or advisable;

4 of 166/87. (b) to summon any person who resides in the Republic to attend any meeting of the council in order to testify or to present any document s/he has in his/her possession and to question this person as a witness or to present any document s/he has in his/her possession, in compliance with all the just exceptions and to impose a penalty payment, which will not exceed twenty five pounds to any person who, even though it has been summoned by the council as mentioned above, fails to comply with the requirements of the summon and does not justify this omission to the satisfaction of the council.

(3) Upon receipt of the report, the Council of Ministers may issue such an Order, as it considers necessary, for the purpose of correcting the omissions of the competent authority in the part of the area affected by the report, and, without affecting the generality of the powers mentioned above, each such Order may provide for-

(a) all or any buildings in such an area, which do not comply with the provisions of this Law or of the Regulations, irrespectively of the issuance of a permit in virtue of paragraph (2) (a) of article 20, to be demolished or moved by the council;

(b) the expenses for the demolition or the move to be paid by the person who constructed the building or by the competent authority in default or by any members of this authority, who in the opinion of the Council of Ministers, were responsible for the omission, whether these members still occupy a position or not;

(c) the authority in default or any of its members to pay to the holder of the permit that was issued in virtue of paragraph (2) (a) of article 20 such a compensation for the demolition or the move of his/her building, as may be referred to in the order.

(4) When any expenses and any compensation that should be paid in virtue of subsection (3) are verified, the Council of Ministers may issue a certificate in relation to them and, upon submission of a copy of the certificate to the Registrar of the District Court of the district within which the property is located, the certification is executed against the authority or the persons mentioned within it, as if it were a Court Order.

Suspension of the power of the competent authority. **23.** When a person or a council is appointed by the Council of Ministers in virtue of the provisions of paragraph 21 or 22, this person or council is surrounded by all powers of a competent authority as it may be necessary for the purpose or the purposes of the appointment and until such purpose or purposes are achieved the power of the affected competent authority, with regards to such purpose or purposes, is suspended.

Permission in virtue of the Antiquities Law. **24.** No provision in this affects the application of articles 8 and 11 of the Antiquities Law or of any law that amends or replaces the latter, and no permission that is issued in virtue of this Law is valid, unless until the receipt of a permit in accordance of the abovementioned article 8 or, depending on the case, article 11 of the abovementioned Law.
3(a) of 28/74.
Cap. 31
48 of 1964
32 of 1973
3(b) of 28/74.

The Government is excluded. **25.** No provision in this Law applies for the Government of the Republic or for any Department of the Government of the Republic.

2 of 66(l)/2000. Provided that where any immovable property that belongs to the Republic is leased or its use is allotted to any person, natural or legal, this person is obliged, in order to construct any building within this property, to ensure first every permit required in virtue of the present Law, as if the property in question did not belong to the Republic; the competent authority has the authority to look into and make a decision with regards to any such application that is submitted to it by the person in question and it exercises its power and authorities with regards to it, in virtue of this Law and of the Regulations issued in virtue of this Law, as if this person were the owner of the property in question;

Provided further that, displaced persons to whom the use of state land is allotted as part of a dwelling or self-housing plan is excluded from the obligation of ensuring a permit by the competent authority in virtue of this Law, unless otherwise defined by the allotment instrument.

Special provision concerning Sections of the
26.-(1) Notwithstanding the provisions included within this Law, the competent authority for the purpose of granting a permit or a certificate of approval in virtue of this Law, in relation with any land that belongs to a Section of the Armed Forces, is the Director of the Department of Town Planning and Housing.

Armed Forces. Provided that the Director of the Department of Town Planning and Housing, prior to granting any permit in virtue of this article, will consult, if s/he considers it to be proper, the Municipality Council of the Municipality within the area of which the land in question is located.

(2) The Director of the Department of Town Planning and Housing, while exercising of his power in virtue of this article, may, when in his/her opinion this is desirable due to the nature of the intended project, not require any permit or certificate of approval in virtue of this article.

(3) The provisions of article 11 do not apply for a street that was constructed by a Section of the Armed Forces, in virtue of any permit that was granted by the Director of the Department of Town Planning and Housing in virtue of the provisions of this article, and any such street, unless the Council of Ministers orders otherwise, is not considered to be a public street and the expenses for repair or maintenance of any such street are carried by the Section of Armed Forces.

(4) A Section of the Armed Forces, except the Civil Department, is excluded from the payment of any fees in virtue of the provisions of the present Law, or of any

Regulations issued in virtue of it.

“land that belongs to a Section of the Armed Forces” means any immovable property, which is registered on the name of a Section of the Armed Forces or any immovable property, which belongs, is occupied or is used by the Government of the Republic and which has been allotted to a Section of the Armed Forces through rental from the Government of the Republic or in virtue of another arrangement with the Government of the Republic, but it does not include any immovable property that was rented or that is occupied by the Section of the Armed Forces, which is not registered on its name or which does not belong, is occupied or used by the Government of the Republic, except such a property, which happens to be rented or in another manner occupied by the Section of the Armed Forces for the purpose of building on this a temporary encampment or for any other temporary purpose, for which the Council of Ministers is satisfied from the Section of the Armed Forces that it is of such a nature, so the provisions of this article should apply, for the public interest.

Provided that any temporary encampment or building that was constructed for any temporary purpose on any immovable property that has been rented or that is occupied by the Section of the Armed Forces for a temporary purpose, will be moved by this Section when it is no further needed, or when this purpose has been served, unless a relevant permit is received by the owner of such an immovable property by the competent authority.

“Section of the Armed Forces” means the Authorities of the Naval, Military or Air Forces of the United Kingdom and it includes any Department of the Government in the United Kingdom (which is being referred to in this Law as “Civil Department”), but it does not include the Institutes of the Naval, Military or Air Forces or any similar or charitable institutions of the naval, military or air forces.

Proviso. **27.**-(a) Any permit that has been legally granted and any order that has been legally issued in virtue of any of the Laws that were abrogated by this Law and which exists on the date of the Law's entry into force is valid and effective and it is considered that the permit has been granted or the order has been issued in virtue of the provisions of this Law.

(b) Any designs that were drawn up legally by any Municipality in virtue of the provisions of article 136 of the Law of Municipalities of 1930 to 1945 and which are

valid on the date of this Law's entry into force are valid and effective and are considered to have been drawn up in virtue of the provisions of this Law.

(c) Any special list that has been drawn up legally by the Municipality Council in virtue of the provisions of article 138 of the Law on Municipalities of 1920 to 1945 and which is valid on the date of this Law's entry into force is valid and effective as if this Law had not been enacted.

(d) Any administrative act that was issued in virtue of any of the Laws or the articles of the Laws, which are abrogated by this Law, that deals with matters in relation to which Regulations are issued in virtue of the provisions of this Law or which are incompatible with any of these Regulations, is annulled upon issuance of this Regulations.

10 of 47(I) of 2011

ANNEX

[Article 10D(1) and 10D(12)]

Irregularities for which the Committee may issue a positive opinion:

1. Irregularities on existing buildings (other than tourist facilities, industrial buildings, complex malls and other buildings of the same scale) when they relate to the following:

(a) Modifications which:

(i) do not increase the approved construction area; or

(ii) affect the external look of the building; or

(iii) increase the approved construction area up to 10% per independent unit, half of which relates to modifications within the approved envelope of the building, provided that the amenities of the adjacent properties or parts of the property are not materially affected.

(b) Erroneous sitting of the building within a property, which results in the non observance of the requested minimum distances set out by the legislation in force from the limits of the property or between buildings within the same property, provided that the comfortable and independent enjoyment of the building or part of the building is possible and that the amenities of the adjacent properties or parts of the property are

not materially affected.

(c) In case of a single development in which the land shall be divided into independent parts, erroneous sitting of a unit of the building, which results in the trespassing of foreign or State-owned property, and only for the independent units of the building which do not trespass a foreign or State-owned property and may be comfortably and independently enjoyed.

(d) Non implementation of the permit's terms on the construction or satisfactory construction of infrastructure works provided by the permit. The certificate of approval may be issued if the independent operation and enjoyment of the building or part thereof are not affected, provided that the works that have not been carried out shall be performed within a period set out by the competent authority in accordance with the terms of the permit.

Provided that in case the owner refuses or fails to perform the works provided for by a term of the permit and relates to the infrastructures of the building, the competent authority may accept the performance of the remaining works by another person having an interest in the building.

Provided further that the Committee may not give a positive opinion for irregularities which relate to terms of the construction permit pertaining to the implementation of Regulation 61H of the Streets and Buildings Regulations regarding existing buildings for which a construction permit has been issued after the date of entry into force of the Streets and Buildings (Amending) Regulations of 1999.

Official Gazette,
Annexe III (I):
30.4.1999.

2. Irregularities on plots under development:

Non implementation of the permit's terms on the construction or satisfactory construction of infrastructure works provided by the permit. The certificate of approval may be issued if the independent operation and enjoyment of the building or part thereof are not affected, provided that the works that have not been carried out shall be performed within a period set out by the competent authority in accordance with the terms of the permit:

Provided that in case the owner refuses or fails to perform the works provided for by a term of the permit and relates to the infrastructures of the division, the competent authority may complete the remaining constructions and request the payment of the expenses by the owner, in accordance with this Law. In case of a further refusal by the

owner, the competent authority may bring an action before the Court and request the payment of the amount with interest.

Special 2. Notwithstanding any other provisions of the basic Law or the Regulations that are provision. issued according to it, in case there is an elevator operating in the building, the 2 of 52(l)/96. installation and operation of a telephone within it is obligatory. In the case of existing elevators the obligation of installation and operation of telephones may take place within six months from the present Law's entry into force.

Special (1) Notwithstanding of any provisions of the basic Law or the Regulations that are provisions. issued according to it, the parapet wall that is built on any building floor and the ground 3 of 35(l)/99 floor, where necessary, has a minimum net height of 1,10 m.

(2) For the better application of the provisions of the present article the Council of Ministers may issue Regulations.

3 of 34(l) of 3. (1) Subject to the provisions of subparagraph (2) of this article, this Law shall enter 2012. into force upon its publication in the Official Gazette of the Republic.

(2) The subparagraph (b) of article 2 of this Law shall be deemed to enter into force on 08 April, 2011.

MINISTRY OF INTERIOR

April 2015