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## POLICE ORDINANCE 2007

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*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Police Ordinance 2007	6/2007	16/03/2007
Police (Amendment) Ordinance 2011 <i>* Section 19 has effect in relation to any person who is charged with an offence after the date this Ordinance comes into force</i>	1/2011	01/04/2011
Police (Amendment) (No.2) Ordinance 2011	15/2011	06/10/2011
Police (Amendment) Ordinance 2013	35/2013	05/12/2013
Criminal Procedure Ordinance 2016	9/2016	01/05/2016
Police (Amendment) Ordinance 2020	22/2020	01/08/2020

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## POLICE ORDINANCE 2007

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An Ordinance to Consolidate and Amend the Police Ordinance 1967

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

### PART 1

#### Preliminary

#### Short Title

1. This Ordinance may be cited as the Police Ordinance 2007.

#### Interpretation

2. In this Ordinance, unless the context otherwise requires:—

“Chief Constable” means the Officer in charge of the Service;

“Chief Superintendent” means the Officer in charge of a division (also known as a Divisional Commander);

“Court” means the Senior Judge’s Court or the Judge’s Court as appropriate;

“Deputy Chief Constable” means the Deputy to the Chief Constable;

“Division” means one of the divisions of the Service;

“expatriate officer” means an officer specially recruited in the United Kingdom or seconded from a United Kingdom Police Service, for service with the Service;

“finger print” includes thumb print or palm print or both;

“licence” includes a permit, certificate or another document relating to an article or thing;

“locally engaged officer” means an officer recruited in Cyprus for service with the Service;

“means of conveyance” means an aircraft, animal, carriage, vessel, bicycle, motor vehicle of any description or any other vehicle used for the purpose of conveyance of a person or goods;

“officer in charge of Police” means the police officer appointed by the Chief Constable to be in charge of the Police in a place;

“*police force of England and Wales*” means— (a)

(a) *any police force established under section 2 of the Police Act 1996(b) or any legislation replacing that Act;*

(b) *the metropolitan police force;*

(c) *the City of London police force;*

“police officer” or “officer” means an expatriate officer, locally engaged officer or special constable unless specifically stated otherwise;

“public” means not only all persons within the Areas, but also persons inhabiting or using a particular place, or a number of such persons;

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(a) Definition inserted by Ordinance 35/2013 – came into force on 05 December 2013

(b) c.16 (Act of Parliament of the United Kingdom)

“public place” includes a public way and building, place or convenience to which, for the time being, the public are entitled or permitted to have access either without condition or upon condition of making a payment, and a building or place which is for the time being used for a public or religious meeting, or assembly, or as an open court;

“public way” includes a highway, market-place, square, street, bridge or other way which is lawfully used by the public;

“Service” means the Sovereign Base Areas Police Service;

“Special Constable” means a person who is duly sworn to perform the duties of a Special Constable in accordance with section 32;

“station” means a police station;

“trade union” has the same meaning as in the Trade Unions Ordinance 1968 (a).

## **PART 2**

### **Constitution and Administration**

#### **Continuation of the Service**

**3.—**(1) (1) There will continue to be established in the Sovereign Base Areas a police service to be known as the Sovereign Base Areas Police Service.

(2) The Service will consist of two divisions to be known as the Western Division, having administrative responsibility for the Akrotiri Sovereign Base Area, and the Eastern Division, having administrative responsibility for the Dhekelia Sovereign Base Area.

(3) A police officer will have power to exercise any authority or perform any duty conferred or imposed on him by any Ordinance anywhere within the Sovereign Base Areas.

#### **Constitution of Service**

**4.—**(1) The Service will consist of officers of the following ranks as directed by the Administrator—

- (a) Chief Constable;
- (b) Deputy Chief Constable;
- (c) Chief Superintendent;
- (d) Superintendent;
- (e) Chief Inspector;
- (f) Inspector;
- (g) Sergeant;
- (h) Constable.

#### **Function of Service**

**5.—**(1) The functions of the Service will be to—

- (a) maintain law and order,
- (b) preserve the peace,
- (c) prevent and detect crime, and
- (d) apprehend offenders.

(2) A police officer may carry arms and ammunition in the performance of these functions.

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(a) Ordinance 04/1968

### **General Powers of the Chief Constable (a)**

~~6. The Chief Constable will be accountable to the Administrator for the organisation and administration of the Service, for good order throughout the Areas and for the efficient administration and government of the Service, subject to any order or direction of the Administrator.~~

### ***General Powers of the Chief Constable***

6.—(1) *The Chief Constable is accountable to the Administrator for the organisation and administration of the Service, for the maintenance of law and order throughout the Areas and for the efficient administration and government of the Service, subject to any order or direction of the Administrator.*

(2) *The Chief Constable may —*

- (a) *co-operate with the Republic of Cyprus Police; and*
- (b) *disclose information to any person or body in the Areas or in any other place if it is necessary or expedient to do so for the maintenance of law and order in any place or for the safety and well being of persons in any place.*

### **General Powers of the Deputy Chief Constable (b)**

~~7.—(1) The Deputy Chief Constable will have power to exercise any authority or perform any duty which may by law be exercised or performed by the Chief Constable.~~

~~(2) If the Chief Constable considers it expedient to do so, the Chief Constable may nominate an officer of rank of Chief Superintendent who may exercise or perform all of the functions which may by law be exercised or performed by the Chief Constable or the Deputy Chief Constable. (c)~~

~~(3) A nomination referred to in subsection (2) is to be published by a public notice in the Gazette.~~

### ***General Powers of the Deputy Chief Constable***

7.—(1) *The Deputy Chief Constable may exercise any power or perform any duty which may by law be exercised or performed by the Chief Constable.*

(2) *If the Chief Constable considers it expedient to do so, the Chief Constable may nominate an officer of the rank of Chief Superintendent who may exercise or perform all the functions which may by law be exercised or performed by the Chief Constable or the Deputy Chief Constable.*

(3) *A nomination referred to in subsection (2) is to be published by a public notice in the Gazette.*

### **Administration of the Service**

8.—(1) The Chief Constable will be responsible for the administration of the Service throughout the Areas.

(2) The control of the police in any place will be vested in such police officers as may be appointed by the Chief Constable who will be subordinate to, and carry out the orders of the Chief Constable in all matters connected with the discipline, budgets and training of the Service.

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(a) Section 6 repealed and replaced by Ordinance 01/2011 – came into force on 01 April 2011

(b) Section 7 repealed and replaced by Ordinance 01/2011 – came into force on 01 April 2011

(c) Subsection (2) and (3) inserted by Ordinance 18/2009 – came into force on 29 September 2009

## **Police Regulations**

**9.**—(1) The Chief Constable may, with the approval of the Administrator, make regulations for the good order, administration and government of the Service or part of the Service.

(2) Without prejudice to the generality of subsection (1) such regulations may make provision for all or any of the following matters—

- (a) appointment;
- (b) enlistment;
- (c) service, including rates of pay and hours of duty;
- (d) discharge;
- (e) offences against discipline and disciplinary procedure;
- (f) promotion and reduction in rank;
- (g) suspension and interdiction from duty whether with or without pay or other allowances;
- (h) place of residence and payment of rent allowances;
- (i) payment of allowances;
- (j) award and deferment of increments;
- (k) payment and withholding of gratuities other than those gratuities payable under the provisions of section 14;
- (l) payment and withholding of pensions;
- (m) leave, including weekly rest days and public holidays;
- (n) Police Fines and Rewards Fund;
- (o) Special Constabulary;
- (p) award or deprivation of good conduct or merit allowance;
- (q) uniform and accoutrements, including arms;
- (r) training including drilling;
- (s) sick leave;
- (t) personal records;
- (u) restrictions on activities of a police officer;
- (v) welfare;
- (w) the conduct of disciplinary proceedings including the summoning of a witness, the taking of evidence on oath and the punishment by fine, not exceeding £50, of a person summonsed as a witness who fails to attend such proceedings or refuses to answer a question lawfully put to him.

(3) Any regulations made under this section may provide for the following punishments of a police officer for breach of such regulations—

- (a) dismissal;
- (b) requirement to resign;
- (c) reduction in rank;
- (d) withholding, withdrawing or postponing yearly increments of pay;
- (e) a fine not exceeding 20 days pay;
- (f) severe reprimand;
- (g) reprimand;
- (h) admonition.

*(4) Regulations made under subsection (1) in relation to pensions for police officers may be made so as to have effect as from a date before the regulations were made. (a)*

### **Books, records and returns by members of the Service**

**10.**—(1) A police officer will keep books and records of the activities he performs in the course of his duties and will provide information as required by the Chief Constable.

(2) The Chief Constable will arrange for a record to be kept of all convictions made in the court (“the Record of Convictions”).

(3) A person may, at all reasonable times, inspect the Record of Convictions and may, on payment of such fee as the Chief Constable may require, be provided with an authorised copy of an entry which appears in the Record of Convictions.

### **Property and public moneys**

**11.** A police officer will be responsible for all public property and public moneys issued to or held by him and will account for it to the Chief Constable.

## **PART 3**

### **Appointment, Enlistment, Service and Discharge**

#### **Appointment etc. of Officers**

**12.**—(1) The Administrator may appoint, promote and discharge an expatriate officer subject to and in accordance with such conditions of service as he may approve.

(2) The Chief Constable may appoint, enlist, promote and discharge a locally engaged officer in accordance with regulations made under this Ordinance.

#### **Emoluments of Officers**

**13.**—(1) The emoluments of a police officer will include his salary and the allowances determined from time to time.

(2) The retirement benefits of a police officer will be those determined in accordance with any Ordinance or Regulations in force for the time being relating to the pension entitlements of a police officer.

#### **Awards and allowances for incapacity**

**14.**—(1) A police officer who in the course or furtherance of his duties sustains an injury will receive such pension, gratuity or temporary incapacity allowance as the Administrator may, with the approval of the Secretary of State, determine.

(2) The spouse or family of a police officer who has died as the direct result of an injury sustained whilst carrying out his duty, or in circumstances attributable to his duty, will receive such award as the Administrator may, with the approval of the Secretary of State, determine.

(3) The Administrator may make regulations to be published in the Gazette to give better effect to this section.

(4) This section will not apply to a police officer, spouse, or family of a deceased police officer if in the opinion of the Administrator, applying regulations made under section 9(2)(k), the officer, spouse, or family would receive treatment equal or better than he would under this section.

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(a) Subsection (4) inserted by Ordinance 15/2011 – came into force on 06 October 2011



## **Oath of Allegiance**

**15.**—(1) The Chief Constable will take and sign the Oath of Allegiance as set out in Part 1 of Schedule 1 before the Administrator.

(2) An expatriate officer will, on appointment and on any subsequent re-appointment, take and sign the Oath of Allegiance as set out in Part 1 of Schedule 1 in the presence of a witness, and before the Chief Constable, or an officer authorised by the Chief Constable.

(3) A locally engaged police officer will, on enlistment and on any subsequent re-enlistment, take and sign the Oath of Allegiance as set out in Part 2 of Schedule 1 in the presence of a witness and before a police officer of or above the rank of Deputy Chief Constable

## **Arms and accoutrements to be delivered up on member ceasing to belong to the Service**

**16.**—(1) When a police officer ceases to belong to the Service, he will immediately hand over to the person appointed by the Chief Constable for that purpose, or to the officer in charge of police at the place at which he was last stationed, all arms, ammunition, uniform and other equipment or things which have been supplied to him and which are the property of the Administration.

(2) A police officer who, having ceased to belong to the Service, fails to hand over an item of equipment as required by subsection (1) will be guilty of an offence and will, on conviction, be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding £150 or to both penalties.

(3) The Court may issue a warrant to search for and seize an item of equipment which has not been handed over as required by subsection (1).

# **PART 4**

## **Powers and Duties of a Police Officer**

### **Police officers not to engage in other employment**

**17.** A police officer will not, without the consent of the Administrator, engage in any employment or office other than in accordance with his duties under this Ordinance.

### **General powers and duties of members of the Service**

**18.**—(1) A police officer will exercise such power and perform such duty as may be conferred or imposed upon a police officer under any Ordinance in force for the time being and will obey any lawful order in carrying out his duties as he may, from time to time, receive from his superiors in the Service.

(2) It will be the duty of a police officer promptly to—

- (a) obey and execute all orders and warrants lawfully issued to him by a competent authority;
- (b) collect and communicate intelligence affecting the public peace;
- (c) prevent the commission of offences and public nuisances;
- (d) detect and bring any offenders to justice; and
- (e) apprehend a person whom he is lawfully authorised to apprehend and for whose apprehension sufficient grounds exist.

(3) A police officer will be deemed to be on duty at all times and may, at any time, be detailed for duty in a part of the Areas, or in pursuance of arrangements between the appropriate authorities of the Areas and the Republic, and subject to the law of the Republic, in a part of the Republic.

(4) Where a police officer is carrying out the duties of a prison officer, he will be deemed to be a prison officer, and will have all the powers, protections and privileges attaching to a prison officer.

**Taking of measurements, photographs and fingerprints etc. (a)**

~~19.—(1) A police officer of the rank of sergeant or above may take or arrange to be taken from a person under lawful arrest or subject to police supervision, for the purposes of record, comparison, identification and in general for the purpose of investigating an offence—~~

~~(a) any measurements, photographs, finger prints, foot prints, samples of hand writing, nail cuttings, hair samples or saliva;~~

~~(b) with the assistance of a medical officer and with the person's consent, samples of blood, urine or residues of foreign substances in the body.~~

~~(2) If a person who is under lawful arrest or subject to police supervision does not consent to the taking of samples of blood, urine or residues of foreign substances in his body then a police officer of the rank of sergeant or above may ask the Court for an order authorising a medical officer to take samples of blood, urine or residues of foreign substances from such a person.~~

~~(3) If a person is not charged with an offence or is subsequently discharged or acquitted by a Court and he has not previously been convicted of an offence then, unless the Attorney General and Legal Adviser directs their retention, any measurements, photographs, finger prints, foot prints, samples of hand writing, nail cuttings, hair samples, saliva, residues of foreign substances in the body, blood or urine samples taken will be destroyed or returned to the person to whom they relate.~~

~~(4) A person who refuses to allow his measurements, photographs, finger prints, foot prints, samples of hand writing, nail cuttings, hair samples or saliva to be taken and who is under lawful arrest or who is subject to police supervision will be guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £450 or to both such penalties.~~

***Taking of measurements, photographs and fingerprints etc.***

*19.—(1) A police officer of the rank of inspector or above may take or direct another police officer to take from a person who has been arrested (a “suspect”) a sample for the purpose of investigating an offence.*

*(2) Subject to subsections (4) and (7) and (8), a sample must not be taken from a person unless it is taken—*

*(a) with the consent of that person; and*

*(b) in the case of a person under the age of 18 years, with the consent of that person's parent or guardian or some other responsible adult.*

*(3) If an intimate sample is to be taken from a suspect under subsection (1) the police officer who authorises the taking of that sample is to record the authorisation in writing.*

*(4) A police officer of rank of inspector or above may take or authorise the taking of a non-intimate sample from the suspect if—*

*(a) that person (and if relevant, that person's parent or guardian or a responsible adult) does not consent to a police officer taking a non-intimate sample when requested to do so; or*

*(b) it is not possible to obtain the consent of that person (and if relevant, that person's parent or guardian or a responsible adult).*

*(5) If a police officer authorises the taking of a sample in accordance with subsection (4), the police officer may use or authorise the use of reasonable force if it is necessary to obtain the sample.*

*(6) A police officer may give an authorisation under subsection (4) or (5) orally or in writing, but is to record any oral authorisation in writing as soon as possible.*

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(a) Section 19 repealed and replaced by Ordinance 01/2011 – came into force on 01 April 2011

*(7) A police officer of the rank of inspector or above may make any application to the Court in accordance with regulations made under this section for an order permitting an intimate sample to be taken from a suspect if—*

- (a) that person (and if relevant, that person's parent or guardian or a responsible adult) does not consent to a police officer taking an intimate sample when requested to do so; or*
- (b) it is not possible to obtain the consent of that person (and if relevant, that person's parent or guardian or a responsible adult).*

*(8) Following an application under subsection (7) the Court may make an order requiring a person to permit the intimate sample described in the order to be taken.*

*(9) If a person from whom a sample has been taken is not charged with an offence or is subsequently discharged or acquitted by a Court and that person has not previously been convicted of an offence then that sample must be destroyed in accordance with regulations made under this section unless such regulations provide otherwise.*

*(10) The Administrator may make regulations relating to the taking, use, analysis, storage retention and destruction of samples from persons and without prejudice to the generality of the foregoing, such regulations may make provisions for—*

- (a) the establishment or maintenance of databases containing information relating to samples;*
- (b) the use by the Service of databases established by the Republic, by any other police force or by any international organisation;*
- (c) sharing information about samples, or information derived from samples, with the Republic, any police force or any international organisation;*
- (d) samples taken from victims and for the purpose of eliminating a person from an investigation to be treated differently from samples taken from suspects;*
- (e) retaining samples and information derived from samples if a relevant person is under investigation by any other police force because that person is suspected of having committed a criminal offence.*
- (f) indefinitely retaining samples and information derived from samples if a person is convicted of an offence (or acquitted on the grounds of insanity) in any jurisdiction, notwithstanding the provisions of the Rehabilitation of Offenders Ordinance 2009 (a).*
- (g) using samples to assist in the identification of deceased persons.*

*(11) A person who obstructs a police officer in the taking of a sample under subsection (4) commits an offence and is liable to imprisonment for 6 months or a fine of €1,500 or both.*

*(12) Nothing in this section, or in regulations made under it, applies to the taking of a specimen for the purposes of the Drinking and Driving Ordinance 1993 (b).*

*(13) In this section—*

*“intimate sample” means—*

- (a) samples of blood, semen, urine, pubic hair or residues of foreign substance inside the body;*
- (b) a dental impression;*
- (c) a swab taken from any part of a person's genitals or from a person's body orifice other than the mouth;*

*“non-intimate sample” means any measurements, photographs, fingerprints, hand prints, footprints, examples of handwriting, nail cuttings, matter taken from under the*

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**(a)** Ordinance 11/2009

**(b)** Ordinance 06/1993

*nails, hair (other than pubic hair), residues of foreign substances on the body, saliva or swabs taken from the mouth;*

*“ sample” means an intimate or non-intimate sample.*

#### **Powers to make complaint etc.**

**20.**—(1) A police officer may make a complaint or charge against a person before the Court and may apply to such Court for a summons, warrant, search warrant or such other legal process as may by law be issued.

(2) A police officer may, subject to a direction by the Attorney General and Legal Adviser, conduct the prosecution of a person before the Court.

#### **Non-liability for act done under authority of warrant**

**21.**—(1) Where the defence to legal proceedings instituted against a police officer is that the act complained of was done pursuant to a warrant issued by a Court, the Court hearing the legal proceedings will enter judgment in favour of the police officer if the following conditions are met—

- (a) the warrant containing the signature of a member of the Court in question is produced; and
- (b) there is proof that the act complained of was done in pursuance of the warrant.

(2) The defence in subsection (1) will not be available if the warrant was issued as the result of a misrepresentation or concealment of a material fact made to the Court by the police officer claiming the defence.

(3) Unless the Court has reason to doubt its genuineness no proof of the authenticity of a signature of a member of the Court on such a warrant will be required.

(4) Where it is proved that a signature on a warrant purporting to be that of a member of the Court is not genuine, judgment will nevertheless be given in favour of the police officer if the officer proves that, at the time the act complained of was committed, he believed on reasonable grounds that the signature was genuine.

#### **~~Power to members of the Service to inspect licences and search means of conveyance (a)~~**

~~**22.**—(1) A police officer—~~

~~(a) may stop, detain and search a person in any of the following situations—~~

- ~~(i) if he reasonably suspects that a person is involved in the commission of an offence,~~
- ~~(ii) if he sees a person doing an unlawful act or thing,~~
- ~~(iii) if he reasonably suspects a person of doing or intending to do an unlawful act or thing or of being unlawfully in possession of a thing, or~~
- ~~(iv) if he sees a person unlawfully in possession of a thing for which a licence is required;~~

~~(b) may stop and search a means of conveyance which he has reasonable grounds for suspecting is being used in the commission of an offence.~~

~~(2) A person who fails to produce a licence when called upon by a police officer to do so may be arrested without a warrant, unless he gives his name and address and otherwise satisfies the police officer that he will duly answer a summons or other proceedings which may be taken against him.~~

~~(3) A person who refuses or fails to comply with a reasonable signal of a police officer, given under subsection (1)(b) requiring that person to stop a means of conveyance, or who obstructs a police officer exercising the power under subsection (1)(a), will be guilty of an offence.~~

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(a) Section 22 repealed by Ordinance 9/2016 – came into force on 01 May 2016

~~(4) A person convicted of an offence under subsection (3) will be liable to imprisonment for a term not exceeding 1 month or to a fine not exceeding £150 or to both such penalties.~~

~~(5) A police officer may arrest without a warrant a person acting in any of the circumstances set out subsection (1), and may arrange for a means of conveyance which he suspects of having been used in the commission of an offence to be moved to the nearest station or to a convenient place and to be kept there until released by the officer in charge.~~

~~(6) An arrest will not take place under subsection (5) if the person concerned gives his name and address and satisfies the police officer as provided in subsection (2).~~

### **Duty of Officers to keep order**

**23.**—(1) It will be the duty of a police officer to—

- (a) direct and control traffic;
- (b) divert all or a particular kind of traffic, when, in the opinion of the officer in charge of police, it is in the public interest so to do;
- (c) keep order on roads, streets, thoroughfares, airports and landing places and other places where members of the public are present; and
- (d) order the dispersal of persons to prevent an obstruction on a public road and street or other place to which the public has access.

(2) A person who refuses or fails to comply with a lawful order given by a police officer in the performance of his duty under this section may be arrested without a warrant unless he gives his name and address and otherwise satisfies the police officer that he will duly answer a summons or other proceedings which may be taken against him.

(3) A person who refuses or fails to comply with a lawful order given by a police officer in the performance of his duty under this section will be guilty of an offence and will on conviction be liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding £1000 or to both such penalties.

(4) The powers conferred by this section will be in addition to, and not in derogation of, any power or duty which a police officer may exercise for these purposes under any other Ordinance in force for the time being.

### **Power of Chief Constable to prohibit or restrict in certain cases (a)**

~~**24.**—(1) (1) The Chief Constable may, in exceptional cases when in his opinion the public interest so requires, make an order to be published in the Gazette, prohibiting or restricting either generally or during particular hours, within a specified area or on a specified road, such kind of traffic, other than pedestrian, as may be specified in the order.~~

~~(2) An order made under subsection (1) will remain in force for such period, not exceeding 1 month, as may be specified in the order, unless in the meantime the order is confirmed by the Administrator.~~

~~(3) An order made under this section may at any time be cancelled or amended by the Administrator.~~

~~(4) A person who uses a vehicle, or causes or permits a vehicle to be used in contravention of an order made under this section will be guilty of an offence and will, on conviction, be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding £450 or to both such penalties.~~

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(a) Section 24 repealed and replaced by Ordinance 01/2011 – came into force on 01 April 2011

### ***Power to prohibit or restrict traffic in certain cases***

**24.**—(1) *The Chief Constable may, in the public interest, make a direction relating to traffic on a road or within an area specified in the direction.*

(2) *A direction made under subsection (1)—*

- (a) *may prohibit traffic generally or during hours specified in the direction;*
- (b) *may relate to—*
  - (i) *all traffic; or*
  - (ii) *a type of traffic (other than pedestrians) specified in the direction; and*
- (c) *may remain in force for a maximum duration of 1 month.*

(3) *The Chief Constable is to ensure that—*

- (a) *a direction made under subsection (1) is appropriately publicised, taking account of the nature of that direction and the time that it will be in force; and*
- (b) *during periods when a road specified in the direction is closed in accordance with the direction, appropriate traffic signs are erected on or near the road to indicate that it is closed.*

(4) *The Administrator may, in the public interest, make an order published in the Gazette relating to traffic on a road or within an area specified in that order—*

- (a) *prohibiting traffic generally or during hours specified in the order;*
- (b) *relating to all traffic or to a type of traffic (other than pedestrians) specified in the order.*

(5) *A person commits an offence and is liable to imprisonment for 6 months or a fine of €768 or both if that person uses or causes or permits a vehicle to be used in breach of a direction made under subsection (1) or an order made under subsection (4).*

### **Road barriers**

**25.**—(1) A police officer of or above the rank of Inspector may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime, erect or place a barrier in or across a road or street or in a public place, in such a manner as he may think fit.

(2) A police officer may take all reasonable steps to prevent a vehicle being driven past such a barrier.

(3) The driver of a vehicle who fails to comply with a reasonable signal of a police officer, requiring the driver to stop the vehicle before reaching a barrier erected or placed in accordance with this section, will be guilty of an offence and will on conviction be liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding £1000 or to both such penalties.

(4) No police officer will be liable for any loss or damage resulting to a vehicle or for an injury to the driver or other occupant of a vehicle arising from the failure of the driver of that vehicle to obey a police officer acting under subsection (2).

### **Disposal of unclaimed property**

**26.**—(1) It will be the duty of a police officer to take charge of any unclaimed property and deliver it to the officer in charge of the station to which he is attached.

(2) The officer in charge of the station will arrange for a notice to be posted in such conspicuous place at the police station as he considers appropriate specifying the property and calling upon a person who may have a claim to it to appear and establish his claim within 2 months from the date of such notice.

(3) If no person establishes a claim within 2 months from the date of the notice the property may be sold or otherwise disposed of or destroyed in such manner as the Chief Constable may direct.

(4) If the property is liable to rapid decay or if the Chief Constable believes that its immediate sale would benefit the owner of the property, the Chief Constable may order that it be destroyed or sold.

(5) Proceeds of the sale of such property will, if no claim to it has been established within the period of 2 months and after the deduction of any expenses incurred in relation to the sale, be used as directed by the Administrator.

***Provision of special services (a)***

***26A.*** *The Chief Constable may provide, at the request of any person, special police services at any premises or in any locality, subject to the payment to the Administration of charges on such scales as may be determined by the Administrator.*

## **PART 5**

### **Offences and Discipline**

#### **Mutiny, desertion etc.**

**27.**—(1) A police officer who—

- (a) begins, raises, abets, countenances or incites mutiny;
- (b) causes or joins in any sedition or disturbance whatsoever;
- (c) being at an assembly tending to riot, does not, subject to a standing direction or to an order which may be given by the senior police officer present, use his utmost endeavour to disperse the assembly;
- (d) when a mutiny, intended mutiny or sedition comes to his knowledge, fails without delay to give information about it to his superior officer;
- (e) deserts, aids or abets the desertion of a police officer,

will be guilty of an offence and will, on conviction, be liable to imprisonment for a term not exceeding 3 years.

(2) Proceedings can be taken against a police officer under this section without regard to any time during which he may have been absent, and he may be found guilty either of desertion or of being absent without permission.

(3) A police officer will not be convicted as a deserter, or of attempting to desert, unless the Court is satisfied that he intended either not to return to the Service or to escape some particular important duty.

#### **Offences against discipline**

**28.**—(1) A police officer commits a disciplinary offence if:

- (a) he breaches the Discipline Code contained in regulations made under section 9(2)(e); and
- (b) he is subject to those regulations.

(2) A police officer who commits a disciplinary offence is liable to such penalty as may be imposed upon him under the regulations.

#### **Arrest for offences under the Ordinance or Regulations**

**29.** A police officer of or above the rank of sergeant may arrest or order the arrest of a police officer (not being an officer of his own or of a superior rank) who is accused of an offence under

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(a) Section 26A inserted by Ordinance 01/2011 – came into force on 01 April 2011

this Ordinance or of an offence against discipline under regulations made under this Ordinance, and a police officer may, on receipt of an order to arrest, apprehend such accused person without a warrant and will immediately bring him before the officer in charge of police.

### **Prosecution for offences against discipline**

**30.**—(1) A police officer accused of an offence against discipline under this Ordinance or any regulations made under it may, instead of being the subject of proceedings under those regulations and with the prior agreement of the Chief Constable, be prosecuted before the Judge's Court and on conviction will be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding £1500 or to both such penalties

(2) No proceedings will be taken against a police officer under this section for an offence against discipline for which he has already been punished.

## **PART 6**

### **Assistance by Armed Forces and Special Constables**

#### **~~Assistance by Armed Forces~~ (a)**

~~**31.**—(1) Without prejudice to subsection (7) or section 32, where~~

~~(a) there is a state of emergency;~~

~~(b) a grave disturbance of the peace, or~~

~~(c) a threat of a grave disturbance of the peace, and~~

~~the Chief Constable considers he requires reinforcements in order to cope with the emergency or to restore and maintain the peace or to prevent the threatened grave disturbance of the peace, he may apply to the Administrator for a direction under this section.~~

~~(2) Subject to subsection (3), an application by the Chief Constable to the Administrator for a direction under this section will be made in writing and will include the Chief Constable's reasons for requesting such a direction.~~

~~(3) Where the Chief Constable is of the opinion that the circumstances are such that his need for reinforcements is urgent, he may make his application orally in the first instance and will then submit it in writing to the Administrator as soon as reasonably possible.~~

~~(4) If the Administrator is satisfied that an application under subsection (2) or (3) is well founded he may make a direction under this section.~~

~~(5) A direction under this section can be that a member of the armed forces or such members of the armed forces as may be described (whether individually by name or by unit or in any other way) in the direction will give all such assistance as the Chief Constable or a police officer of or above the rank of Inspector may request (whether orally or in writing) of them in order to cope with the emergency or to restore and maintain the peace or to prevent a threat of a disturbance of the peace.~~

~~(6) A member of the armed forces acting pursuant to a request such as is described in subsection (5) will have all the powers, rights and duties of a police officer except in relation to matters of discipline for which he remains subject to the procedures applicable to the armed force of which he is a member.~~

~~(7) Notwithstanding whether an application has been made by the Chief Constable, the Administrator may in any case direct that members of the armed forces will have power to carry out and perform the duties of a police officer, and in the carrying out and performance of such duties, members of the armed forces will have all the powers, privileges and protection conferred~~

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(a) Section 31 repealed and replaced by Ordinance 21/2020 – came into force on 01 August 2020



~~upon a police officer except in relation to matters of discipline for which they remain subject to the procedures applicable to the armed force of which they are a member.~~

~~(8) The Administrator may amend, vary, substitute or revoke a direction made under this section at any time but without prejudice to anything done under or pursuant to the direction before any such amendment, variation, substitution or revocation is to come into effect.~~

### ***Assistance by Armed Forces or Republic of Cyprus Police***

*31.—(1) This section applies where the Chief Constable considers that the Service requires reinforcements due to—*

- (a) a state of emergency (that is, a Proclamation of Emergency under the Emergency Powers (Overseas Territories) Order 2017 is in effect(a));*
- (b) serious public disorder, or a threat of serious public disorder; or*
- (c) a serious threat to human life.*

*(2) The Chief Constable may apply to the Administrator for authority that assistance be given by—*

- (a) members of Her Majesty’s Armed Forces, by granting them the powers of a police officer; or*
- (b) Republic of Cyprus police officers, by granting them either—*
  - (i) the powers of a police officer; or*
  - (ii) the right to carry a firearm or other weapon.*

*(3) An application must—*

- (a) be made in writing (but see subsection (4));*
- (b) state the nature of the assistance requested; and*
- (c) give the Chief Constable’s reasons for making the application.*

*(4) Where the Chief Constable considers that the need for reinforcements is urgent, an application may be made orally in the first instance, but the Chief Constable must send a written record of the application to the Administrator as soon as reasonably possible.*

### ***Assistance by Armed Forces or Republic of Cyprus Police: authorisations (b)***

*31A.—(1) The Administrator may grant an authorisation under this section if satisfied that—*

- (a) the application meets a requirement under section 31(1); or*
- (b) although no application has been made, the circumstances are such that the Chief Constable would have been entitled to make such an application.*

*(2) An authorisation must—*

- (a) describe the members of Her Majesty’s Armed Forces or the Republic of Cyprus police officers who are the subject of the authorisation (whether individually, by unit or in any other way); and*
- (b) state whether it grants the powers of a police officer or (in the case of Republic of Cyprus police officers) the right to carry a firearm or other weapon.*

*(3) The Administrator may make an authorisation subject to conditions, qualifications, limitations or exceptions.*

*(4) The Administrator may amend, vary, substitute or revoke an authorisation made under this section at any time.*

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(a) UK Statutory Instrument 2017/181.

(b) Sections 31A, 31B & 31C inserted by Ordinance 22/2020 – came into force on 01 August 2020

### ***Effect of authorisation under section 31A: powers of a police officer***

**31B.**—(1) *This section applies where—*

- (a) *an authorisation under section 31A provides for members of Her Majesty's Armed Forces or Republic of Cyprus police officers to have the powers of a police officer; and*
- (b) *a person who is a subject of such an authorisation is giving assistance requested by the Chief Constable or a police officer of the rank of Inspector or above (whether orally or in writing) in accordance with the terms of the authorisation.*

(2) *A person referred to in subsection (1) has all the powers, rights, duties, privileges and protections of a police officer, except in relation to matters of discipline.*

### ***Effect of authorisation under section 31A: power to carry firearms or other weapon***

**31C.**—(1) *This section applies where an authorisation under section 31A authorises Republic of Cyprus police officers to carry a firearm or other weapon.*

(2) *It is lawful for a person who is a subject of the authorisation to carry a type of firearm or offensive weapon specified in the authorisation when—*

- (a) *acting in accordance with the terms of the authorisation, or*
- (b) *transiting to or from the place at which the person is to act in accordance with the authorisation.*

(3) *In this section—*

*“firearm” has the same meaning as in the Firearms or Other Weapons Ordinance 2009(a);*

*“offensive weapon” has the same meaning as in the Offensive Weapons Ordinance(b).*

### **Special constables**

**32.**—(1) With a view to providing an adequate number of trained persons ready to assist the Service in times of grave disturbance or of a state of emergency, or such other times when reinforcements are necessary, a police officer of or above the rank of Inspector may, with the prior authority of the Chief Constable, appoint in writing, as set out in Part 1 of Schedule 2, a volunteer to be a special constable.

(2) Whenever it will appear to the Chief Constable that a grave disturbance of the peace has taken place or is likely to take place within the Sovereign Base Areas, and that the ordinary police officers at his disposal are not sufficient for the preservation of the peace, he may, with the prior authority of the Administrator, appoint in writing, or arrange to be appointed by a police officer of or above the rank of Inspector, as set out in Part 1 of Schedule 2, a person present in the Areas, to act as a special constable for such time as he deems necessary.

(3) A special constable appointed under this Section will take and sign an oath, as set out in Part 2 of Schedule 2, before the Chief Constable, or such other officer as he may authorise, and in the presence of a witness.

### **Equipment for special constables**

**33.** The Chief Constable may provide a uniform, baton, weapon and other equipment necessary for a special constable to carry out his duties.

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(a) Ordinance 21/2000, as amended by Ordinance 6/2012, 29/2013 and 9/2016.

(b) Cap 159, as amended by Ordinance 9/2010.

### **Powers of special constables**

**34.**—(1) A special constable will, subject to section 38, have the same powers, privileges and protection and will be liable to perform the same duties and be subject to *subsection (2) and (a)* to the same penalties as a police officer.

(2) *Where a person appointed as a special constable is a member of a police force of England and Wales, the person is not subject to the Police and Prison Officers (Discipline) Regulations 2013 (b). (c)*

### **Refusal of person appointed to serve**

**35.** If a person appointed as a special constable refuses or fails to serve or to obey a lawful order and direction given to him, he will be guilty of an offence and will on conviction be liable to a fine not exceeding £125, unless he satisfies the Court that he was prevented by sickness or such unavoidable cause as may, in the opinion of the Court, be a sufficient excuse.

### **Power to suspend or terminate service of special constables**

**36.** The Chief Constable may suspend or terminate, or cause to be suspended or terminated by a police officer of or above the rank of Inspector, the service of a special constable if he considers that the service of that special constable can safely be dispensed with *or is no longer required (d)* and in such case he will immediately send a notice in writing, as set out in Part 3 of Schedule 2, to the special constable concerned.

### **Delivery up of equipment**

**37.**—(1) A special constable appointed under section 32 will, within 1 week after receipt of the notice terminating his appointment, deliver over to such person at such time and place as may be directed by an officer of or above the rank of Inspector his form of appointment as set out in Schedule 2 and every baton, weapon, uniform and other article which may have been provided for him under this Ordinance.

(2) A special constable who refuses or fails to comply with subsection (1) will be guilty of an offence and will on conviction be liable to a fine not exceeding £125, and the Court may issue a warrant to search for and seize anything not delivered up as required by this section.

### **Remuneration of special constables**

**38.** Service as a special constable will be unpaid, but a commuted allowance in compensation for reasonable expenses may be paid as determined by the Administrator from time to time.

## **PART 7**

### **Miscellaneous**

### **Prohibition against police officer being member of trade union**

**39.**—(1) Subject to the provisions of section 40 it will not be lawful for a police officer to be or to become a member of—

(a) a trade union or a body or association affiliated to a trade union; or

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(a) Text inserted by Ordinance 35/2013 – 05 December 2013

(b) Public Instrument 16/2013

(c) Existing section re-numbered (1) and subsection (2) inserted by Ordinance 35/2013 – came into force on 05 December 2013

(d) Text inserted by Ordinance 35/2013 – came into force on 05 December 2013

- (b) a body or association, the objects of which are, or one of the objects of which is, to control or influence conditions of employment in a trade or profession; or
- (c) a body or association, the objects of which are, or one of the objects of which is, to control or influence the pay or conditions of service of the Service or Prison Service.

(2) A police officer who contravenes the provisions of this section will be guilty of an offence against discipline and will be liable to be dealt with under regulations made under this Ordinance, relating to offences against discipline.

#### **Police Association and representative bodies**

**40.**—(1) For the purpose of enabling police officers, other than expatriate officers, to consider and bring to the notice of the Chief Constable and the Administrator matters affecting their welfare and efficiency, including pay and conditions of service, there will continue to be established the Sovereign Base Areas Police Association which will operate and be administered by rules made under this Ordinance and will act through such committees as such rules may provide.

(2) No representation will be made by the Association in relation to a question of discipline, promotion, transfer, leave or another matter affecting an individual.

(3) The Association will be entirely independent of, and un-associated with, a body outside the Service.

(4) The Administrator may make rules for the constitution and governance of the Association and as to any matters relating to it.

#### **Impersonation of police officer**

**41.**—(1) It will be an offence for a person, not being a police officer, to—

- (a) put on or assume, either in whole or in part, the dress, name, designation or description of a police officer, or
- (b) put on or assume, any dress, name or designation resembling and intended to resemble the dress, name or designation of a police officer, or
- (c) in any way to pretend to be a police officer,

for the purpose of obtaining admission into a house or other place or for doing or promising to be done an act which such person would not otherwise lawfully be entitled to do or promise to be done.

(2) A person convicted of an offence under subsection (1) will be liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding £1000 or to both such penalties.

#### **Duty to assist police**

**42.**—(1) It will be lawful for a police officer who, whilst carrying out his duty, is assaulted or resisted or in danger of being assaulted or resisted, to call upon any person to assist him.

(2) A person called upon under subsection (1) who, without reasonable excuse, refuses or neglects to give such assistance to the best of his ability will be guilty of an offence and will on conviction be liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding £1000 or to both such penalties.

#### **Protection of members of the Service from civil process for debt**

**43.** No arms, ammunition, uniform or other equipment used by a police officer in the performance of his duties will be liable under execution for a civil debt.

## **Liability for maintenance of spouse and children**

**44.** If a police officer fails to contribute a sufficient amount for the maintenance of his spouse and any child of his following a Court Order to do so, it will be lawful for the Chief Constable to deduct such amount from the pay of the police officer concerned, not exceeding one third of it, as may be necessary and to apply such amount towards the maintenance of the spouse and child of such police officer in such manner as the Chief Constable may think fit.

## **Connection to automatic fire detection or burglary system**

**45.—**(1) A person provided with the facility of automatic connection of fire detection or a burglary system with a Police Station, will pay an annual fee as determined by the Chief Constable for each automatic connection.

(2) A person provided with a facility of the kind described in subsection (1) will, for each false call due to the incorrect operation of the system or mishandling of the system by him, be liable to pay compensation to the Chief Constable of such amount as he may determine.

(3) A person who without appropriate authorisation from a member of the Service interferes in any manner with a system of the kind referred to in subsection (1) will commit an offence and be liable upon conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £450 or to both such penalties.

## **Saving of Royal Prerogative**

**46.** Nothing in this Ordinance will have the effect of restricting or in any way diminishing a prerogative of the Crown to dismiss from its service a servant of the Crown, and in particular a prerogative exercisable by the Administrator on behalf of Her Majesty to order at his discretion the dismissal of a police officer from the Service upon his conviction by a competent court in any country for a criminal offence.

## **Repeals and savings**

**47.—**(1) Subject to subsection (2), the following Ordinances are repealed—

- (a) Her Majesty's Forces (Performance of Police Duties) Ordinance (a);
- (b) Police Ordinance 1967 (b);
- (c) Police (amendment) Ordinance 1969 (c);
- (d) Police (amendment) Ordinance 1975 (d);
- (e) Police (amendment) Ordinance 1993 (e);
- (f) Police (amendment) Ordinance 1998 (f); and
- (g) Police (amendment) Ordinance 1999 (g).

(2) Any regulations made under an Ordinance listed in subsection (1) which are in force immediately before the date of the coming into operation of this Ordinance will, as from that date and until other regulations are made under this Ordinance, be deemed to be regulations made under this Ordinance, and will, with any necessary modification, have effect accordingly.

(3) A person who, on the date of the coming into operation of this Ordinance, is serving in the Service established under an Ordinance repealed by subsection (1) will be deemed to have been

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- (a) Cap.215 Statue Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation)(Consolidation and Extension) Ordinance 1968 (5/1968)
  - (b) Ordinance 9/1967
  - (c) Ordinance 14/1969
  - (d) Ordinance 7/1975
  - (e) Ordinance 2/1993
  - (f) Ordinance 10/1998
  - (g) Ordinance 25/1999

appointed or enlisted under this Ordinance and service under such repealed Ordinance is, for the purposes of leave, pay, good conduct and merit allowances and gratuities, deemed to be service under this Ordinance.

## SCHEDULE 1

(Section 15)

### Forms for OATHS OF ALLEGIANCE

#### PART 1

##### **Oath of Allegiance**

(Expatriate Officer)

(Section 15 Police Ordinance 2007)

I, ..... of ..... do swear that I will be faithful and bear true allegiance to Our Sovereign Lady The Queen, Her Heirs and Successors, while performing the functions of an officer in the Sovereign Base Areas Police Service, without favour or affection, malice or ill will and that I will cause the peace to be kept and preserved by preventing to the utmost of my power all offences against the same and that, while I continue to perform the functions of an officer in the said Service, I will, to the best of my skill and knowledge, discharge all the duties of such an officer faithfully according to the law. So help me God.

Signed .....

Sworn at ..... this ..... day of ..... 20.....

Before me .....

Witness name ..... Signed .....

#### PART 2

##### **Oath of Allegiance**

(Locally Engaged Officer)

(Section 15 Police Ordinance 2007)

I, ..... of ..... do swear that I will faithfully serve the Administrator of the Sovereign Base Areas as a police officer, and that while so serving I will comply with and hold myself amenable to all present and future Ordinances and regulations relating to the administration, discipline and organisation of the Sovereign Base Areas Police Service, and will comply with all other orders now in force or which may hereafter be made relating to the said Service, and that I will act as a police officer in all respects to the best of my skill and knowledge, discharging the duties of the said office faithfully according to law.

AND I further swear that I will not withdraw from the said Service except in accordance with the said Ordinances and regulations.

Signed .....

Sworn at ..... this ..... day of ..... 20.....

Before me .....

Witness name ..... Signed .....

**SCHEDULE 2**  
**Forms for SPECIAL CONSTABLE**

(Sections 32 and 36)

**PART 1**

**Appointment of special constable**

(Section 32 Police Ordinance 2007)

To ..... of .....

I, the undersigned, an officer of the Sovereign Base Areas Police Service, do, under the powers vested in me by section 32 of the Police Ordinance 2007, hereby appoint you to be a special constable for the Sovereign Base Areas until further notice.

Dated this ..... day of ....., 20.....

(Signed) .....

**PART 2**

**Special constable's oath**

(Section 32 Police Ordinance 2007)

I, ..... of ..... do swear that I will faithfully serve the Administrator of the Sovereign Base Areas while performing the functions of a special constable in the Sovereign Base Areas Police Service, without favour or affection, malice or ill will, and that I will, to the best of my power, cause the peace to be kept and preserved, and prevent all offences against persons and property; and that, while I continue to perform the functions of a special constable in the Service, I will, to the best of my skill and knowledge, discharge the duties of such a special constable faithfully according to law.

Signed .....

Sworn at ..... this ..... day of ..... 20.....

Before me .....

Witness name ..... Signed .....

**PART 3**

**Notice to suspend or terminate appointment of special constable**

(Section 36 Police Ordinance 2007)

To ..... of .....

I, the undersigned, an officer in the Sovereign Base Areas Police Service do under powers vested in me by section 36 of the Police Ordinance 2007, hereby give you notice that your appointment as a special constable of the Sovereign Base Areas made on the ..... day of ..... is suspended/terminated with effect from the date hereof.

Dated this ..... day of ....., 20....

(Signed).....