

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.

PROTECTION OF PUBLIC HEALTH (COVID-19) ORDINANCE 2024

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Protection of Public Health (Covid-19) Ordinance 2024	01/2024	16/01/2024
Protection of Public Health (Covid-19) (Amendment) Ordinance 2024	03/2024	13/02/2024

CONTENTS

1. Short title and commencement
2. Interpretation
3. Application
4. Relevant health and safety guidelines
5. Price caps
6. Residential, medical and other facilities
7. Detained persons
8. Asylum-seekers
9. Positive cases
10. Offences and penalties
11. Interim ex parte orders
12. Repeals

P R O T E C T I O N O F P U B L I C H E A L T H (C O V I D - 1 9) O R D I N A N C E 2 0 2 4

An Ordinance to make provision for the protection of public health in connection with COVID-19
and for connected purposes.

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

Short title and commencement

1.—(1) This Ordinance may be cited as the Protection of Public Health (COVID-19) Ordinance 2024.

(2) This Ordinance comes into force on 16 January 2024.

Interpretation

2.—(1) In this Ordinance—

“certificate of recovery from COVID-19” means evidence that the person to whom the evidence relates has recovered from COVID-19 in the 90 days immediately before the date and time on which the evidence is produced;

“immigration officer” means any person falling within section 5(1) of the Immigration ordinance 2020(a) or any person appointed under section 5(2) of that Ordinance as an immigration officer;

“officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate;

“PCR test” means a polymerase chain reaction test carried out in a laboratory to confirm whether a person is infected with COVID-19;

“rapid antigen test” means a rapid diagnostic test that directly detects the presence or absence of an antigen used for the purposes of detecting if a person is infected with the COVID-19;

“self-test” means a rapid antigen test that is administered by the person being tested;

“relevant health and safety guidelines” means any guidelines, as amended from time to time—

(a) referred to in a provision of the legislation of the Republic corresponding to a provision of this Ordinance where the phrase “relevant health and safety guidelines” is used, and

(b) the purpose of which is to prevent or protect against the incidence or spread of COVID-19.

(2) Where a provision of this Ordinance requires the wearing or use of a mask by a person, it requires the mask to cover the person’s nose and mouth.

(3) Where relevant health and safety guidelines confer functions on any person, those functions are deemed to be conferred on the Chief Officer and are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b).

(4) Where a provision of this Ordinance requires a person (“P”) to present evidence of COVID-19 test results or a person produces a certificate of recovery from COVID-19, P must also present an identification document which demonstrates that the evidence provided relates to P.

(5) Subsection 4 does not apply to self-tests.

(a) Ordinance 34/2020.

(b) Ordinance 17/2007, amended by Ordinance 8/2012

Application

3.—(1) No requirement of this Ordinance applies where that requirement would make it impossible to carry out, to a satisfactory standard, any of the following activities—

- (a) military activities, or
 - (b) the prevention or detection of crime, or the apprehension or prosecution of offenders, by the Police Service(a) or the Sovereign Base Areas Customs and Immigration Service.
- (2) Except for section 10, this Ordinance binds the Crown.

Relevant health and safety guidelines

~~4. Unless this Ordinance makes contrary provision, a person operating or in charge of any undertaking or operation must have regard to the relevant health and safety guidelines and ensure that they are complied with.~~

4. A person in charge of an undertaking or operation to which this Ordinance applies must comply with requirements, if any, placed on such a person under the relevant health and safety guidelines. (b)

Price caps

5.—(1) No person may carry out or offer to carry out a PCR test at a price above €25, not including VAT.

(2) No person may carry out or offer to carry out a rapid antigen test at a price above €5, not including VAT.

(3) No person may sell or offer for sale a single self-test at a price above €1.70, not including VAT.

(4) No person may sell or offer for sale a pack of 5 self-tests at a price above €6, not including VAT.

Residential, medical and other facilities

6.—(1) A person (“P”) must have tested negative for COVID-19 within a period of 48 hours prior to visiting, attending an appointment or accompanying another person to the indoor areas of the following—

- (a) an old people’s home,
- (b) a facility where care and accommodation are provided to the elderly or to other vulnerable groups,
- (c) dental clinics, or
- (d) outpatient facilities including general practitioner clinics.

(2) Subsection (1) does not apply where P is below 12 years of age.

(3) Where required by the responsible person of a facility listed in subsection (1), P must provide evidence of having tested negative for COVID-19 in accordance with subsection (1).

(4) Subject to subsection (5), any employee of a facility listed in subsection (1) and any other person above 12 years of age must wear a facemask whilst present in the indoor areas of a facility listed in subsection (1).

(5) Subsection (4) does not apply to persons exempted from the requirement to wear a mask on medical grounds.

(a) Defined in section 35, Schedule 1 to the Interpretation Ordinance 8/2012 (as amended).

(b) Section 4 repealed and replaced by Ordinance 03/2024 – came into force on 13 February 2024

~~(6) The responsible person of a facility listed in subsection (1) must ensure that any relevant health and safety guidelines relating to testing for COVID-19 for staff, visitors, residents and service users are complied with.~~

(6) The responsible person of a facility listed in subsection (1) must comply with requirements, if any, placed on such a person under the relevant health and safety guidelines relating to the testing for COVID-19 of staff, visitors, residents and service users. (a)

(7) In this section—

“responsible person” means the owner, director or manager of a facility listed in subsection (1);

“vulnerable groups” means persons who, by reason of their age, illness, disabilities, or any other reason are being provided with care and accommodation.

Detained persons

7.—(1) A person (“P”) falling within any of paragraphs (a) to (c) must, at the request of a police officer, submit to a rapid antigen test—

- (a) P is detained by the police under any enactment;
- (b) P is remanded to or otherwise in police custody;
- (c) P is to serve a term of imprisonment.

(2) Subsection (1) does not apply to P where P provides a certificate of recovery from COVID-19.

(3) The following persons must, at the request of an immigration officer, submit to a rapid antigen test—

- (a) a prohibited immigrant (within the meaning of section 7 of the Immigration Ordinance 2020) who is detained under Part 5 of the Immigration Ordinance;
- (b) a person that an immigration officer reasonably suspects to be a prohibited immigrant who is detained under section 42 of that Ordinance.

Asylum-seekers

8. An asylum-seeker (within the meaning of section 3 of the Refugees Ordinance 2003(b)) must, at the request of an immigration officer, submit to a rapid antigen test before entering any accommodation that may be provided to the asylum-seeker by the Administration.

Positive cases

9. Where a person tests positive for COVID-19, that person must have regard to the relevant health and safety guidelines.

Offences and penalties

10.—(1) A person (“P”) commits an offence if—

- (a) P fails without reasonable excuse to comply with a requirement imposed by or under this Ordinance, or
- (b) P fails to provide evidence of a negative test for COVID-19 when required to do so under this Ordinance.

(2) Subject to subsection (4), any person contravening any of the requirements imposed by or under this Ordinance is guilty of an offence and on conviction thereof is liable to imprisonment not exceeding ~~six months~~ *12 months* (c) or to a fine not exceeding ~~€3000~~ *€50 000* (d).

(a) Section (6) repealed and replaced by Ordinance 03/2024 – came into force on 13 February 2024

(b) Ordinance 10/2003, as amended – relevant amendments made by Ordinance 18/2015.

(c) Amended by Ordinance 03/2024 – came into force on 13 February 2024

(d) Amended by Ordinance 03/2024 – came into force on 13 February 2024

- (3) If any offence under subsection (1) committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body, or
 - (b) to be attributable to any neglect on the part of such an officer,
- the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.
- (4) In the case of an offence consisting of a breach of an interim order made under section 11, the maximum fine to which the offender is liable is €20,000.

Interim ex parte orders

11.—(1) A police officer may make an ex-parte application to the court for an interim order to suspend operation of a business where a person has been charged with an offence under the provisions of this Ordinance related to the operation of the business, if that person—

- (a) controls the business or,
- (b) is an officer of a body corporate that controls the business.

(2) Where an application is made under subsection (1), the Court may make the order applied for where it appears to be just and convenient to do so.

Repeals

12. The Protection of Public Health (COVID-19) Ordinance 2023(a) is repealed.

(a) Ordinance 3/2023.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

13. This explanatory note relates to the Protection of Public Health (COVID-19) Ordinance 2024 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

14. This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance.

15. The purpose of the Ordinance is to mirror certain provisions in the Quarantine (Measures to Prevent the Spread of Coronavirus COVID-19) Order (No.1) of 2024 of the Republic (PI 3/2024) (“the Order”). It also repeals the Protection of Public Health (COVID-19) Ordinance 2023 (“2023 Ordinance”) and re-enacts some of the provisions in the 2023 Ordinance.

16. The main changes made by the Order are set out below and relate to requirements to testing and the wearing of masks to protect against the incidence and spread of COVID-19. There is also provision made for those who test positive for COVID-19.

17. Section 6 of the Ordinance requires individuals over the age of 12 to have tested negative for COVID-19 within 48 hours prior to visiting a person, attending an appointment or accompanying another person to the indoor areas of the facilities specified in section 6(1). Such person may be required to provide evidence of a negative test result. Section 6 also requires employees of the specified facilities and individuals over the age of 12 to wear a mask in the indoor areas of those facilities.

18. Section 7 provides for a COVID-19 testing requirement for persons detained by the police or immigration officials. Section 8 consists of a testing requirement for asylum-seekers prior to being placed in accommodation.

19. Section 9 provides that anyone who tests positive for COVID-19 must have regard to the health and safety guidelines issued by the Republic of Cyprus.

20. Section 10 provides the offences and penalties associated with the failure to comply with any of the provisions of the Ordinance.

SBA/AG/2/H/180(B)

Published by the Sovereign Base Areas Administration

The Sovereign Base Areas Gazette may be viewed on the official Sovereign Base Area Administration web site:
<http://sbaadministration.org/>