



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1081 of 14th October, 1996
LEGISLATION

ORDINANCE 8 OF 1996

AN ORDINANCE
TO AMEND THE CRIMINAL PROCEDURE ORDINANCE

P. MILLAR
ADMINISTRATOR

24th September, 1996.

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance, 1996 and shall be read as one with the Criminal Procedure Ordinance, as amended from time to time (hereinafter referred to as "the principal Ordinance").

Short title.

Cap. 155 (Laws of Cyprus), Ordinances 4/60, 19/63, 1/66, 2/72, 2/73, 10/75, 4/78, 11/79, 22/87 and 4/92.

2. The principal Ordinance is hereby amended by repealing Section 8 thereof and substituting therefor the following new Section:-

Section 8 of the principal Ordinance repealed and replaced.

"Application of Judges' Rules.

8. Without prejudice to the generality of Section 3 of this Ordinance and without prejudice to the operation of Section 5 of this Ordinance the rules approved by Her Majesty's Judges of the Queen's Bench Division in England relating to the taking of statements by police officers (known as "the Judges' Rules") which were in force on the 31st day of December, 1985 shall apply to the taking of statements in the Sovereign Base Areas".

3. Section 46 of the principal Ordinance is hereby amended -

Section 46 of the principal Ordinance amended.

- (a) by deleting the semi colon appearing at the end of paragraph (a) of subsection (1) thereof; and
- (b) by inserting immediately after the word "occupation" the following:-

"or, where the accused is a member of the Force or civilian component or a dependant thereof, as defined in Section 1 of Annex C of the Treaty of Establishment, whose British Forces Post Office address is known, by sending it to him at that address by ordinary post."

Section 119 of the principal Ordinance amended.

4. Section 119 of the principal Ordinance is hereby amended-

- (a) by deleting the colon at the end of the proviso to subsection (2) thereof; and
- (b) by inserting immediately after the word "abode" the following:-

"or, where that person is a member of the Force or civilian component or a dependant thereof, as defined in Section 1 of Annex C of the Treaty of Establishment, whose British Forces Post Office address is known, by sending it to him at that address by ordinary post".

24 September, 1996
(128/16)

J.C. JARVIS,
Acting Chief Officer.

**AN ORDINANCE
TO PROVIDE FOR OLD PEOPLES AND
INCAPACITATED PERSONS HOMES**

**P. MILLAR
ADMINISTRATOR**

27th September, 1996.

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

PART I - PRELIMINARY

1. This Ordinance may be cited as the Old Peoples and Incapacitated Persons Homes Ordinance, 1996. Short title.
2. In this Ordinance, unless the context otherwise requires - Interpretation.
- “Home” means any premises where accommodation is provided for more than five persons over the age of eighteen years, who are in need of care and treatment due to incapacity or old age or to any other reasons or circumstances, and includes any matter which relates to the said premises or to any other premises or place used for this purpose;
- “Minder” means any person who for gain provides accommodation in his own home for up to five persons, aged over eighteen years, who are in need of care and treatment due to incapacity, old age or any other reasons or circumstances.

PART II - REGISTRATION OF HOMES

3. No person shall provide accommodation for gain for more than five persons over the age of eighteen years who are in need of care and treatment due to incapacity, old age or to any other reasons or circumstances unless the premises where such accommodation is provided are registered as a Home. Prohibition of maintaining an unregistered Home.
- 4.-(1) Every application to register a Home shall be submitted to the Chief Officer in the prescribed form. Registration of Homes.
- (2) Every application submitted shall be considered by the Chief Officer and, unless he refuses the registration in accordance with subsection (3) of this Section, he shall register the Home which is referred to in the application and shall issue a certificate to this effect.
- (3) The Chief Officer may refuse to register a Home if he is satisfied that -
- (a) The applicant or any person who is or may be employed therein by the applicant to operate or manage the Home or any part thereof, does not possess the qualifications provided by any Regulations made under Section 10 of this Ordinance for operating a Home or for being employed therein; or
 - (b) the sanitary conditions, the location, the fire protection measures, the construction, the disposition, the necessary repairs, the maintenance, the general condition, the manning or the equipment of the Home, makes it unsuitable for the use or function described in the application; or

- (c) the manner in which the applicant or any person who is employed by him, administers or proposes to administer the Home is such that the services or facilities which under the Regulations made pursuant to this Ordinance must be provided to the residents of the Home, are not so provided; or
- (d) any one of the residents in the Home has been or is subjected to maltreatment or exploitation or is denied his personal freedom.

(4) Subject to the provisions of this Ordinance, a certificate which is issued under subsection (2) of this Section, shall relate to the Home itself and shall continue to be valid in the event of the ownership being transferred to any other person either while the original applicant is alive or in consequence of his death.

Posting of certificate of registration.

5. A registration certificate issued in pursuance of subsection (2) of Section 4 of the Ordinance shall be posted in a prominent place in the Home to which it relates.

Revocation of the registration of a Home.

6. The Chief Officer may at any time thereafter revoke the registration of any Home for any of the reasons which would have justified his refusal to register the Home or where the original applicant or any person employed therein has been convicted of an offence contrary to Section 11 of the Ordinance or the Regulations made thereunder.

PART III - PROCEDURE AND RIGHT TO APPEAL

Notification regarding intention to reject an application or revoke registration etc.

7.-(1) Where the Chief Officer intends to refuse registration under Section 4 of this Ordinance or to revoke registration under Section 6 of this Ordinance, he shall send to the applicant or to the person who maintains the Home, as the case may be, written notice of his intention so to act.

(2) The said notice shall specify the grounds on which the Chief Officer intends so to act and shall notify the applicant or person maintaining the Home, of his right to appeal.

(3) Any person wishing to appeal against the decision of the Chief Officer to refuse or revoke registration, shall within fourteen days of the date of the notice referred to in subsection (1) above, notify the Chief Officer in writing of his intention to appeal.

(4) The Chief Officer shall thereafter give the person wishing to appeal an opportunity to present in person a case against such refusal or revocation and having made a final decision shall notify him accordingly.

PART IV - ENTRY INTO AND INSPECTION OF HOMES

Power to enter and inspect Homes.

8.-(1) Any person authorised by the Chief Officer, may enter any Home or any premises which he reasonably believes is used as a Home and may inspect the said Home or premises, its residents, the arrangements available for their treatment, care and welfare, and any register which may be kept in relation to the Home or the said premises.

(2) If any person authorised by subsection (1) of this Section is refused entry into any Home or any premises which he reasonably believes is used as a Home, he may apply to the Judge's Court for

an Order under this Section. If after hearing sworn evidence the Judge's Court is satisfied that the said person was unreasonably refused entry into the Home or that there are reasonable grounds for believing that the premises are used as a Home, it may make an Order authorising the applicant to enter the premises and to conduct the inspection referred to in the foregoing subsection (1).

(3) Any person wishing to exercise a power of entry or inspection under this Section, shall, if so requested, provide evidence of his authorisation under subsection (1) of this Section.

(4) Any person who obstructs or attempts to prevent the exercise of any power provided under this Section, shall be guilty of an offence and shall on conviction be liable to the penalties provided in Section 11 of this Ordinance.

PART V - MISCELLANEOUS PROVISIONS.

9. The Chief Officer may, in consultation with the appropriate authorities of the Republic, establish a representative Advisory Body in order to assist him in the implementation of the provisions of this Ordinance.

Power to establish an Advisory Body.

10.-(1) The Administrator may make Regulations for the better implementation of this Ordinance and without prejudice to the generality of this Section, such Regulations may provide for any of the following matters:

Regulations.

- (a) The sanitary condition and structure of the Home;
- (b) the qualifications required of the staff employed in the Home;
- (c) the proportion of the number of staff in relation to the number of residents who may be accommodated therein;
- (d) the necessary furniture and equipment of the Home;
- (e) the proportion of space in the Home for every resident and the standard of the services and facilities which are required to be provided to the residents;
- (f) the prescribed forms to be used for any of the purposes of this Ordinance;
- (g) any other matter which may need to be prescribed for the better implementation of this Ordinance.
- (h) the imposition of a penalty of imprisonment which shall not exceed a period of six months or the payment of a fine which shall not exceed £450 or both such penalties for any contravention of the Regulations;
- (i) the number of members, the qualifications and the duties of the Advisory Board;
- (j) the conditions and requirements which any Minder shall fulfill before he is registered.

11.-(1) Any person who -

- (a) provides accommodation in a Home which has not been registered in accordance with this Ordinance; or

Offences.

- (b) contravenes or fails to comply with any of the provisions of this Ordinance;

shall be guilty of an offence and shall be liable on conviction to the payment of a fine not exceeding the sum of £750 and, in the case of a second or any subsequent offence, to imprisonment not exceeding a period of twelve months or to the payment of a fine not exceeding £1.000 or to both such penalties.

(2) Where an offence against this Ordinance or Regulations made thereunder, is committed by a corporate body, any person who at the time of the commission of the offence was chairman, director, secretary or general manager of such corporate body or was the holder of any similar position therein or was acting in that capacity, shall be liable to prosecution, unless he can prove that he had no knowledge of the offence or that such offence had been committed without his consent and that he had done all in his power to prevent it, taking into consideration the nature of the powers pertaining to his position as well as any other circumstances.

Registration of
Minders.

12.-(1) No person shall provide accommodation in his own home for gain for any person over the age of eighteen years who is in need of care and treatment due to incapacity, old age or any other reasons or circumstances, unless he is registered as a Minder.

(2) Application for registration as a Minder shall be made to the Chief Officer in the prescribed form.

(3) Every application submitted shall be considered by the Chief Officer and if he is satisfied that the applicant is suitable, the Chief Officer shall cause him to be registered and issue a certificate to this effect.

(4) The requirement to register as a Minder shall not apply to any person who takes into his care only his parents or the parents of his spouse:

Provided that where the applicant is a Company or a body or group of persons whether incorporated or not, the application for registration shall be submitted by the authorised representative of the Company or body or group of persons and the natural person who will perform the duties of Minder shall be named in the application.

9 October, 1996
(205/11)

J.C. JARVIS,
Acting Chief Officer.

**AN ORDINANCE
TO AMEND THE STREETS AND BUILDINGS
REGULATION (CONSOLIDATION) ORDINANCE, 1984**

**P. MILLAR
ADMINISTRATOR**

4th October, 1996.

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

1. This Ordinance may be cited as the Streets and Buildings Regulation (Consolidation) (Amendment) Ordinance, 1996 and shall be read as one with the Streets and Buildings Regulation (Consolidation) Ordinance, 1984 as amended from time to time (hereinafter referred to as "the principal Ordinance").

Short title.

Ordinances 7/84,2/87
13/87 and 18/88.

2. Section 5 of the principal Ordinance is hereby amended by deleting from sub-paragraph (iii) of paragraph (b) thereof, and from the proviso thereto, the words "one thousand feet", "twelve feet", "twenty five feet" and "ten feet" where they appear in each case and substituting therefor the words and figures "three hundred metres", "3,65 metres", "7,60 metres" and "3 metres" respectively.

Section 5 of the
principal
Ordinance
amended.

3. The principal Ordinance is hereby amended by repealing Section 6 thereof and substituting therefor the following new Section:-

Section 6 of the
principal
Ordinance repealed
and replaced.

"Duration of
permit and renewal

6.(1) A permit shall be valid for three years from the date of the issue thereof:

Provided that, if the work or other matter is not completed within that period, the permit shall be renewable upon application by its holder at any subsequent time if this does not conflict with any legislation in force at the time of such renewal and so long as the works or other matter to which the permit relates have been commenced and reached a substantial degree of completion and are in progress at the time of expiry of the permit.

(2) A permit may be renewed on payment of a fee of £10,00 and shall be valid for a period of one year from the date of initial expiry. A permit may thereafter be renewed for further periods of one year on the same conditions.

(3) Where a permit has been issued under paragraph (a) or (c) of subsection (1) of Section 3 of the Ordinance, and the works relating to the layout or construction of a street or the division of land into separate sites have not commenced during the period of validity of the permit, such permit may nevertheless be renewed providing the permit holder can show that the delay in commencing the said works was not attributable to him.

(4) On renewing a permit, the appropriate authority shall have power to modify the conditions

under which the permit was initially issued or to impose new conditions or to reject the application made for renewal but any modified or new conditions shall relate only to the incomplete part of the works referred to in the permit and shall not affect that part which has already been executed.

(5) Where a permit has been issued before the commencement of this Ordinance, the following provisions shall apply:-

- (a) Where three years have not elapsed since the date of issue of the permit, such permit shall continue to be valid, subject to the proviso to subsection (1) of Section 6 of the Ordinance for a period of three years from the date of its issue.
- (b) Where three years have elapsed since the date of issue of the permit, such permit may, subject to the provisions of subsections (1) and (3) of this Section of the Ordinance, be renewed for a period of one year, provided that the permit holder applies for such renewal within a period of three months of the date of commencement of this Ordinance.
- (c) Further renewal of the permit may be allowed in accordance with subsection (2) of this Section and the provisions of subsection (4) shall in all respects apply in this case also.”.

4. Section 9 of the principal Ordinance is hereby amended as follows:-

- (a) By deleting the full stop appearing at the end of paragraph (d) thereof and substituting therefor a semi colon; and
- (b) by inserting immediately thereafter the following new paragraph:-
 - “(e) with a view to facilitating the movement of disabled persons.”;
- (c) by renumbering the existing part of the Section as subsection (1) and by inserting immediately thereafter the following new subsections:-

“(2) The appropriate authority shall ensure that any calculations as to strength and stability which are required under Regulations made under the Ordinance have been submitted and that the standards and code of practice and the provisions of the Seismic Code have been observed.

(3) The procedures observed by the appropriate authority under subsection (2) above shall not remove any liability from the civil or structural engineer in relation to any calculations as to strength and stability which may have been required under Regulations made under this Ordinance.

(4) For the purposes of this section of the Ordinance:-

“Seismic Code” means the seismic code for reinforced concrete structures in Cyprus as applied to the Sovereign Base Areas by regulations under this Ordinance.

“Standards and Codes of Practice” means those standards and codes of practice in relation to building matters which are in force in the Republic of Cyprus from time to time.

5. Section 10 of the principal Ordinance is hereby amended as follows:-

(a) By inserting immediately after sub-paragraph (xi) of paragraph (a) of subsection (1) thereof, the following new sub-paragraph:-

“(xii) the securing of easy and safe movement for disabled persons.”;

(b) by inserting immediately after sub-paragraph (xiv) of paragraph (b) of subsection (1) thereof, the following new sub-paragraph:-

“(xv) the suitable construction and arrangement of the building so as to secure the easy and safe movement of disabled persons on all floors of the building.”;

(c) by inserting immediately after sub-paragraph (xi) of paragraph (c) of subsection (1) thereof, the following new sub-paragraphs:-

“(xii) the securing of easy and safe movement for disabled persons;

(xiii) the execution of necessary works for the installation of a telecommunication network where appropriate”.

6. Section 22 of the principal Ordinance is hereby amended by inserting immediately after paragraph (l) of subsection (1) thereof the following new paragraph:-

“(m) the regulation of easy and safe movement for disabled persons.”.

9 October, 1996

(112/A)

J.C. JARVIS,

Acting Chief Officer.



