



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1117 of 17th December, 1997
LEGISLATION

ORDINANCE 2 OF 1997

AN ORDINANCE
TO AMEND THE CRIMINAL CODE

P. MILLAR
ADMINISTRATOR

16th December, 1997.

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 Code (Amendment) Ordinance 1997 and shall be read as one with the Criminal Code Ordinance, as amended from time to time (hereinafter referred to as “the principal Ordinance.”).

Short title.

Cap. 154 (Laws of Cyprus) and Ordinances 11/63, 17/63, 10/66, 8/72, 1/73, 7/79, 8/82, 7/87 and 24/89.

2. Section 157 of the principal Ordinance is hereby amended by deleting the colon immediately after the word “misdemeanour” in line 14 and by inserting immediately thereafter the following:

Section 157 of the principal Ordinance amended.

“and shall be liable to imprisonment for a term not exceeding five years.”.

3. Section 162 of the principal Ordinance is hereby amended by deleting the word “two” appearing in line 8 and substituting therefor the word “five”.

Section 162 of the principal Ordinance amended.

4. Subsection (1) of section 164 of the principal Ordinance is hereby amended by deleting the full-stop immediately after the word “misdemeanour” in line 6 and by inserting immediately thereafter the following:

Section 164 of the principal Ordinance amended.

“and shall be liable to imprisonment for a term not exceeding five years.”.

5. The principal Ordinance is hereby amended by inserting immediately after section 186, the following new section to be numbered 186A:-

New section 186A added to the principal Ordinance.

“Breach of the peace in a public place.

186A. Any person who, in any public place, conducts himself in a manner likely to cause a breach of the peace, shall be guilty of a misdemeanour and be liable on conviction to imprisonment for one month or to a fine not exceeding seventy five pounds or to both.”.

Section 188 of the principal Ordinance amended.

6. Section 188 of the principal Ordinance is hereby amended by deleting paragraph (d) and by re-numbering paragraph (e) as paragraph (d).

Section 187 of the principal Ordinance amended.

7. Section 187 of the principal Ordinance is hereby amended by inserting immediately after subsection (5), the following new subsection, to be numbered (6):-

“(6) Where a second or subsequent offence under this section is committed within twenty four hours of the service of a written notice such as is provided for in paragraph (b) of subsection (4), the provisions of paragraph (c) of that subsection shall apply and any police officer may enter and search such place without a Search Warrant and without the need for service of a second or subsequent written notice.

Section 305A of the principal Ordinance repealed and replaced.

8. The principal Ordinance is hereby amended by repealing section 305A and substituting therefor the following new section:-

“Issue of cheques without security.

305A.- (1) Any person who issues a cheque which when presented to the Bank on which it is drawn is dishonoured due to lack of funds and which remains unpaid for a period of seven days thereafter, is guilty of an offence.

(2) The stamp or any other endorsement of the Bank to this effect on any such cheque shall be admissible as evidence of the non-payment thereof in any criminal proceedings.

(3) Any person who without reasonable excuse causes a cheque issued by him to be dishonoured, is guilty of an offence.

(4) Any person convicted of an offence contrary to subsections (1) or (3) of this section, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand five hundred pounds, or to both.

(5) This section shall not apply to any cheque which is not issued in satisfaction of an obligation for the breach of which the drawer would not be liable in civil proceedings.

17 December, 1997
(128/2/2)

P.A. ROTHERAM,
Chief Officer.

ORDINANCE 3 OF 1997

**AN ORDINANCE
TO AMEND THE ESTATE DUTY ORDINANCE**

.....
ADMINISTRATOR

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 Estate Duty (Amendment) Ordinance 1997 and shall be read as one with the Estate Duty Ordinance 1965 as amended from time to time (hereinafter referred to as “the principal Ordinance.”).

Short title.

Ordinances 6/65,
13/68, 7/76, 1/87,
3/88 and 10/94.

2. Paragraph (c) of section 2 of the principal Ordinance is hereby amended by deleting the definition of the term “child” therein and substituting therefor the following new definition:-

Section 2 of the
principal
Ordinance
amended.

“ “child” means a legitimate child of a deceased person and includes any such child born after the death of such person, a step child or a child adopted by the deceased person in accordance with any legislation in force for the time being, an illegitimate child of a deceased woman and an illegitimate child of a deceased man in respect of whom paternity has been established under the provisions of the Illegitimate Children Ordinance or the Children (Relationship and Legal Status) Law of the Republic of Cyprus”.

3. Section 4 of the principal Ordinance is hereby amended by deleting the word “fifteen” appearing in the second line to the proviso thereto and substituting therefor the word “twenty”.

Section 4 of the
principal
Ordinance
amended.

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

Section 5 of the
principal
Ordinance
amended.

(a) by deleting the word “fifty” appearing in the second line of paragraph (a) of the proviso thereto and substituting therefor the words “seventy five”;

- (b) by deleting the words "seventy five" appearing in the fifth line of paragraph (b) of the proviso thereto and substituting therefor the words "one hundred and fifty";
- (c) by deleting the word "fifty" appearing in the fourth line of paragraph (c) of the proviso thereto and substituting therefor the words "seventy five";
- (d) by deleting paragraph (d) of the proviso and substituting therefor the following new paragraph:-

" With regard to a child of the deceased person who has died before the deceased leaving surviving children and who would not have completed his twenty first year of age at the time of death of the deceased, a sum of one hundred and fifty thousand pounds for every such child of the deceased person.";

- (e) by the addition of the following new paragraph (e) to the proviso:

" (e) With regard to a child of the deceased person who has died before the deceased leaving surviving children and who would have completed his twenty first year of age at the time of death of the deceased, a sum of seventy five thousand pounds for every such child of the deceased person.";

- (f) by deleting the word "twenty" appearing in the sixth line of paragraph (e) of the proviso thereto and substituting therefor the word "fifty";
- (g) by renumbering paragraphs (e) and (f) of the proviso thereto as (f) and (g) respectively.

5. Section 7 of the principal Ordinance is hereby amended as follows:-

- (a) by deleting the word "twenty" appearing in the fifth line of sub-paragraph (ii) of the proviso to paragraph (d) thereto and substituting therefor the word "fifty";
- (b) by inserting immediately after the word "Republic" appearing in the eighth line of sub-paragraph (ii) of the proviso to paragraph (d) thereto the following words:

"or to the University of Cyprus or the Board of any School".

6. Section 18B of the principal Ordinance is hereby repealed and replaced by the following new section:-

"Remission of duty in case of property inherited by parents.

18B. Where the Commissioner is satisfied that estate duty has become payable on any property which was a gift from parents to a child, on the death of such child before both or either of such parents, the proportion of estate duty which is equivalent to the proportion of the property inherited by the said parents or surviving parent shall be remitted."

7. The principal Ordinance is hereby amended by inserting immediately after section 18B the following new section to be numbered 18C:-

New section 18C added to the principal Ordinance.

“ 18C. Estate duty shall not be payable in respect of the immovable property of a deceased person which, immediately before his death, was used by himself or his family exclusively for the purpose of occupation and the total value of which does not exceed one hundred and fifty thousand pounds:

Provided that where the total value exceeds the amount of one hundred and fifty thousand pounds estate duty shall be payable on the amount which exceeds one hundred and fifty thousand pounds.”

8. Section 49 of the principal Ordinance is hereby amended as follows:-

Section 49 of the principal Ordinance amended.

- (a) by deleting the word “six” appearing in the first line thereof and substituting therefor the word “nine” and by deleting the word “twelve” in the third line thereof and substituting therefor the word “eighteen”;
- (b) by adding after the proviso thereto the following new proviso:

“Provided further that where the assessment of the duty payable is not made within eighteen months of the date of death and the delay is not due to any fault of the executor or other person liable to pay duty, no interest shall be payable on the estate duty.”

9. Subsection (1) of section 51 of the principal Ordinance is hereby amended by deleting the word “sixteen” appearing in the seventh line thereof and substituting therefor the word “ten”.

Section 51 of the principal Ordinance amended.

10. The principal Ordinance is hereby amended by inserting immediately after section 53 thereof the following new section to be numbered 53A:-

New section 53A added to the principal Ordinance.

“Issue of certificate of payment and release.

53A. Certificates of payment and release as provided for in sections 52 and 53 of this Ordinance shall be issued by the Commissioner only on production to him of a certificate of payment of all debts owed by the deceased at the date of his death to the Department of Inland Revenue.”

11. Section 61 of the principal Ordinance is hereby amended by inserting in the proviso thereto the following new paragraph (a) and by renumbering the existing paragraphs (a) and (b) as (b) and (c) respectively:

Section 61 of the principal Ordinance amended.

- “(a) Any duty which has been overpaid shall be refunded with interest calculated from the date of payment of the said duty and payable at 6% where the death occurred before the commencement of this Ordinance and 9% where death occurs after such commencement”.

12. The Schedule to the principal Ordinance is hereby repealed and replaced by the following new Schedule:-

Schedule to the principal Ordinance repealed and replaced.

**“SCHEDULE
(Section 6)**

SCALE OF RATES OF ESTATE DUTY PAYABLE

On every pound up to £20.000	NIL
On every pound between £20.001 and £25.000	10%
On every pound between £25.001 and £35.000	13%
On every pound between £35.001 and £55.000	15%
On every pound between £55.001 and £80.000	17%
On every pound between £80.001 and £105.000	20%
On every pound between £105.001 and £150.000	23%
On every pound in excess of £150.000	30%

Commencement.

13. This Ordinance shall be deemed to have come into effect on 28 March 1997.

(104/11/1)

Chief Officer.

ORDINANCE 4 OF 1997

**AN ORDINANCE
TO PROVIDE FOR CENTRES FOR THE PROTECTION
AND OCCUPATION OF CHILDREN**

.....
ADMINISTRATOR

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 Centres for the Protection and Occupation of Children Ordinance 1997.

Short title.

PART I - DEFINITIONS

2. In this Ordinance, unless the context otherwise requires -

Interpretation.

“Centre” means any premises where more than two children under the age of eighteen years are received to be looked after at any time of the day.

PART II - REGISTRATION OF CENTRES

3. No person shall receive more than two children under the age of eighteen years to be looked after unless the premises used for such purpose are registered as a Centre in accordance with this Ordinance.

Prohibition on maintaining an unregistered Centre.

4. - (1) Every application to register a Centre shall be submitted to the Chief Officer in the prescribed form.

Registration of Centres.

(2) Every application submitted to the Chief Officer shall be considered by him and unless he refuses registration in accordance with subsection (3) below, he shall register the Centre and issue a certificate to this effect.

(3) The Chief Officer may refuse to register a Centre if he is satisfied that -

- (a) the owner, manager or any other person employed therein, does not possess the qualifications required for such purpose by any Regulations made under section 9 of this Ordinance;
- (b) the number of staff employed therein are insufficient to comply with Regulations made under section 9 of this Ordinance; or
- (c) the sanitary conditions, the location, the fire protection measures, the construction, the disposition, the necessary repairs, the maintenance, the general condition or equipment of the Centre, makes it unsuitable for use as a Centre;
- (d) the manner in which the person applying for registration or any person who is employed by him, administers or proposes to administer the Centre is such that the services or facilities which under the Regulations made pursuant to this Ordinance must be provided at the Centre, are not so provided; or
- (e) any one of the children at the Centre has been or is being subjected to maltreatment or exploitation or is denied his personal freedom.

5. A registration certificate issued in pursuance of subsection (3) of section 4 shall be posted in a prominent place in the Centre to which it relates.

6. The Chief Officer may at any time revoke the registration of any Centre for any of the reasons which would have justified his refusal to register the Centre or where the person in whose name registration was granted or any person employed in the Centre, is convicted of an offence contrary to this Ordinance or the Regulations made thereunder.

PART III - PROCEDURE AND RIGHT TO APPEAL

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 person applying for registration or to the person who maintains the Centre, as the case may be, a 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 person applying for registration or the person maintaining the Centre, 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 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.

Posting of certificate of registration.

Revocation of the registration of a Centre.

Notification regarding intention to reject an application or revoke registration.

PART IV - ENTRY INTO AND INSPECTION OF CENTRES

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

Power to enter and inspect Centres.

(2) If any person authorised by subsection (1) of this section is refused entry into any Centre or any premises which he reasonably believes are used as a Centre, 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 Centre or that there are reasonable grounds for believing that the premises are used as a Centre, 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 10 of this Ordinance.

PART V - MISCELLANEOUS PROVISIONS

9. 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 conditions and the general structural condition of the Centre;
- (b) the safety of the interior and exterior of the Centre;
- (c) the qualifications of the staff employed in the Centre;
- (d) the proportion of the number of staff in relation to the number of children who are being looked after at the Centre;
- (e) the furniture and equipment necessary for the proper operation of the Centre;
- (f) the proportion of space in the Centre for every child and the standard of the services and facilities which are required to be provided for them;
- (g) the prescribed forms to be used for any of the purposes of this Ordinance;
- (h) the type of care which shall be provided;
- (i) any other matter which may need to be prescribed for the better implementation of this Ordinance;
- (j) the imposition of a penalty of imprisonment not exceeding a period of six months or the payment of a fine not exceeding five hundred pounds or both such penalties for any contravention of the Regulations.

Offences.

10. (1) Any person who -

- (a) receives more than two children under the age of eighteen to be looked after in premises which have not been registered as a Centre in accordance with this Ordinance; or
- (b) contravenes or fails to comply with any other provision 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 £1000 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 or knowledge 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.

11. This Ordinance shall not apply -

- (a) To any premises maintained by the Crown in any capacity or the Republic of Cyprus;
- (b) to any Hospital or any other approved premises which operate in accordance with the Mental Patients Ordinance;
- (c) to any hospital, convalescence home, nursing institution or to any other premises which operate in accordance with the Private Hospitals (Control) Ordinance;
- (d) to any institution or any organisation which is subject to the provisions of Part V of the Children Ordinance.

(114/4)

Chief Officer.







