



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1145 of 5th February, 1999
LEGISLATION

ORDINANCE 2 OF 1999

AN ORDINANCE
TO PROVIDE FOR THE LICENSING AND REGULATING
OF PLACES OF ENTERTAINMENT

A. I. RAMSAY
ADMINISTRATOR

19th February 1999.

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

PART I - PRELIMINARY PROVISIONS

1. This Ordinance may be cited as the Places of Entertainment Ordinance 1999.

Short title.

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

Interpretation.

“applicant” means a person who makes an application for a licence;

“authorised service organisation” means any one of the organisations listed in the Schedule to Part I of Annex B of the Treaty of Establishment;

“category”, “categories” or “grade” in relation to a place of entertainment means the category, categories or grade referred to in section 4;

“Court” means the Judge’s Court of the Sovereign Base Areas;

“customer” means every person to whom service is supplied at a place of entertainment;

“health certificate” in relation to premises or a person means a health certificate issued by the Department of Medical and Public Health Services of the Republic under the provisions of the Food (Sale and Control) Law 1996 and the Quarantine Law;

“licence” means a licence issued by the Chief Officer under section 5 and “licensed” in relation to a place of entertainment means such place of entertainment in respect of which a licence has been issued;

“licensee” means the person or corporate body in whose name a licence to operate a place of entertainment has been issued;

“manager” in relation to a place of entertainment means the person responsible for its control or management;

“place of entertainment” means an establishment in any part of the Areas including beaches in which any kind of food, drinks or confectionery is or is intended to be provided on payment of money other than:

- (i) coffee shops;
- (ii) shops in which the service offered is confined to the sale of food, drinks or confectionery for consumption exclusively off the premises (take-away businesses);
- (iii) refreshment rooms or canteens of societies and clubs operating under legislation relating to them;
- (iv) refreshment rooms or canteens in factories or schools; and
- (v) shops less than eight square meters (8M²) which do not provide alcoholic drinks;

“section” or “subsection” means a section or subsection of this Ordinance;

“service” or “services” means -

- (a) the provision of meals or any kind of food, drinks or sweets, regardless of whether music or an entertainment programme is being provided;
- (b) the holding of dances, receptions, dinners, congratulatory parties or other functions of like nature;

“sutlers” means those persons defined in paragraph 1(l) of Part I of Annex B to the Treaty of Establishment.

PART II

Classification and Licensing

3. - (1) Plans for new buildings or the alteration of existing buildings to be used as places of entertainment, as well as all subsequent alterations, additions or extensions thereto together with any study required by any legislation in force with the Sovereign Base Areas shall be submitted to the Chief Officer for consideration before submission to the authority concerned with the issue of building permits under the Streets and Buildings Regulation (Consolidation) Ordinance 1984:

Provided that approval by the Chief Officer under subsection (1) shall not in any way be construed as binding upon the said authority when exercising its powers in relation to the grant or refusal of a building permit under the legislation referred to in that subsection.

(2) The Chief Officer may, before approving such plans, require such modifications or alterations as he considers necessary, having regard to the special conditions, position and features of the site on which the place of entertainment is or is intended to be located and the surrounding area and the requirements of the category or categories of the intended place of entertainment.

(3) The manner in which such plans and studies are to be prepared and submitted may be prescribed.

4. - (1) For the purposes of this Ordinance all places of entertainment shall be treated as falling within one or more of the following categories -

Classification of places of entertainment.

- (a) restaurant or tavern;
- (b) cafeteria or pizzeria;
- (c) beer house or bar;
- (d) live music and dancing places;
- (e) snack-bar.

depending on the nature of the services provided or intended to be provided.

(2) Places of entertainment in each category may be classified up to three grades of standards according to the value and quality of construction, furniture and equipment used or intended to be used, the control and management, organisation and the standard of amenities and services provided or intended to be provided.

(3) The nature of the services relevant to each category, the requirements to be met and maintained as to the adequacy, cleanliness and safety of premises and equipment generally in respect of all places of entertainment or to each category or grade shall be prescribed.

5. - (1) Except as provided in section 20 no person shall operate a place of entertainment without a licence having been issued in relation to that place of entertainment.

Licences.

(2) For the purpose of obtaining a licence an applicant shall submit an application to the Chief Officer in writing in the form and manner and accompanied by the fee, as shall be prescribed.

(3) A licence shall be issued by the Chief Officer upon being satisfied that -

- (a) the application has been made in the prescribed manner;
- (b) the appropriate prescribed fee has been paid;
- (c) all the conditions and requirements of this Ordinance as regards the operation of a place of entertainment are met;
- (d) an appropriate health certificate in relation to the premises has been produced:

Provided that a licence shall be refused by the Chief Officer if the issue of the licence would contravene any provisions made under section 3 or if the related premises are not considered suitable for the purpose by the authority referred to in subsection (1) of section 3.

(4) Subject to subsection (6) below, the Chief Officer shall after due consideration of the application and if, necessary, an inspection of the related premises, classify the place of entertainment in respect of which the application is made as falling within one or more categories and, where appropriate determine the grade appropriate to that place of entertainment in accordance with subsection (2) of section 4 and regulations made for that purpose.

(5) A licence shall specify -

- (a) the name of the place of entertainment to which the licence relates;
- (b) its category or categories;
- (c) its grade, where appropriate;
- (d) the hours during which the place of entertainment is permitted to operate as specified by the Administrator by Order under section 16.

(6) In considering the name of the place of entertainment the Chief Officer may not accept any name which in his judgement is not in accord with the category of the place of entertainment or might be confused with any other place of entertainment operating in the same area or which may be considered unsuitable or undesirable. In such case the Chief Officer shall require the use of another name.

(7) Categories or grades for the purposes of paragraphs (b) and (c) of subsection (5) above may be provisional subject to confirmation or alteration by the Chief Officer not later than three months after the issue of the licence.

(8) The licence shall expire on the 31st December in each year but may be renewed on payment of the prescribed fee, provided the Chief Officer is satisfied that the conditions and requirements of this Ordinance and the licence to be renewed are being met and maintained.

(9) The licence shall be displayed in a conspicuous place within the place of entertainment to which the licence relates.

(10) The Chief Officer shall keep a register of licences issued.

(11) No licence under this section shall be issued in relation to a place of entertainment where the building in which it is intended that the place of entertainment shall operate is not considered suitable for that purpose by virtue of the Certificate of Approval issued or refused by the appropriate authority under the Streets and Buildings Regulation (Consolidation) Ordinance.

6. - (1) A licence of a place of entertainment may be revoked by the Chief Officer if -

- (a) the place of entertainment to which the licence relates has permanently ceased to operate;
- (b) there has occurred continuous contraventions of the provisions of the Ordinance by the licensee or manager resulting in convictions in respect of such contraventions.

(2) Upon the death of the licensee or where the licensee is a corporate body upon its dissolution or the appointment of a receiver, the licence shall cease to have effect in which event the Chief Officer may issue a new licence in respect of the unexpired period in the name of the executors of, or the administrators of the estate, of the deceased licensee or the receiver, as the case may be, without the payment of any fee.

7. Any change or proposed change in the nature of the services provided in the place of entertainment which would render such

Revocation of licence.

Change in the scope of the place of entertainment.

services incompatible with the category or grade specified in the licence shall be notified by the licensee to the Chief Officer who if he deems it appropriate shall amend the licence to accord with such change.

8. Subject to the provisions of any other ordinance in force, every place of entertainment shall use the name specified in the licence for the purposes of display, advertising and generally in conducting its business.

Name of place of entertainment.

9. - (1) Any applicant or licensee who is not satisfied with the Chief Officer's decision as regards the issue or refusal to issue a licence, may within twenty days of the notification of such decision appeal in writing to the Administrator stating the grounds on which the appeal is made.

Appeals.

(2) The Administrator shall consider such appeal without unreasonable delay and shall notify his decision to the appellant. The Administrator may at his discretion hear the appellant in person or give him the opportunity to elaborate further in writing the grounds upon which the appeal is made.

PART III

Prices and Management of Places of Entertainment

10. - (1) The Chief Officer may by order determine the prices permitted to be charged at places of entertainment within maximum and minimum limits in respect of every category or grade of places of entertainment taking into account any price controls in force and any other relevant conditions prevailing.

Prices and price lists of places of entertainment.

(2) Within these limits a licensee may fix the prices to be charged for the services provided at the place of entertainment which prices shall be specified in a price list to be submitted to the Chief Officer for approval indicated by the affixing on the price list the official rubber stamp or seal of the Chief Officer.

For the purposes of this subsection the licensee may incorporate in his fixed prices the prescribed percentage amount referred to in section 11.

(3) Such fixed prices shall remain unchanged for an annual period beginning on the 1st of April in each year unless the Chief Officer determines another period in which case the prices shall remain unchanged during that period.

(4) Notwithstanding the provisions of subsection (3) above the Chief Officer may, where circumstances have occurred which have substantially affected the fixed prices, approve a revised price list.

(5) Copies of the approved price list as provided for in subsection (2) above shall be displayed externally at the entrance of the place of entertainment and in a conspicuous place within it, for the information of customers.

(6) The collection by the licensee of sums in excess of the prices stated in the approved price list shall be prohibited. Any person acting in contravention of this subsection shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding five hundred pounds or to both such penalties.

11. - (1) The Administrator may by order in the Gazette fix a surcharge not exceeding three per centum (3%) of every customer's bill in respect of services provided in the place of entertainment, excluding taxes and service charges (hereinafter in this Ordinance referred to as the "surcharge"):

Provided that the Administrator may by order in the Gazette exempt the whole or part of the surcharge in respect of certain places of entertainment or certain categories or grades of places of entertainment located in such areas as may be prescribed.

(2) With effect from the date of classification of the place of entertainment the surcharge shall be a charge on the customer and shall subject to the provisions of subsection (4) below, be collected by the licensee and remitted to the Chief Officer monthly not later than the 25th day of the month following the month in which the charge was or ought to have been made.

(3) Subject to the provisions of subsection (4) below, if the licensee fails to charge and collect the surcharge from the customer, he shall be liable to pay the value of such surcharge to the Chief Officer.

(4) Notwithstanding the provisions of subsections (2) and (3) above where any customers are provided with services on account to be settled, under prior arrangement by a hotel, tour operator or other tourist organisation and that organisation is dissolved or becomes bankrupt before the said account has been settled-

- (a) the licensee shall not be liable to pay to the Chief Officer the surcharge involved;
- (b) where however the licensee has collected part of the amount due to him on account from a receiver or otherwise the licensee shall pay to the Chief Officer an amount of surcharge calculated on a pro-rata basis in relation to the total amount so collected.

(5) Any customer who refuses to pay a surcharge lawfully charged under this section shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding three months or to a fine not exceeding two hundred pounds or to both such penalties.

(6) Every licensee shall make and maintain records showing the daily collections and charges at the place of entertainment which records shall be produced for audit by the Chief Officer or an officer authorised for that purpose by him.

(7) Every licensee shall, not later than the 25th day of each month, send to the Chief Officer, together with the monthly remittance referred to in subsection (2) above, records of the daily collection and charges for the month immediately preceding on a form provided by the Chief Officer for this purpose.

(8) A licensee who contravenes or fails to comply with the provisions of subsections (2), (3), (4), (6) and (7) above shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding five hundred pounds or to both such penalties.

(9) In the event of a conviction in respect of subsections (2), (3) and (4) above the Court may, in addition to any other penalty provided in this section, order the licensee to pay the amount of the surcharge involved and the costs of the proceedings.

(10) Notwithstanding the other provisions of this section, the Chief Officer may by civil proceedings claim from the licensee any amount of surcharge required to be paid or remitted under this section.

(11) Any licensee who fails to remit to the Chief Officer the surcharge in accordance with subsection (2) above shall be liable to pay to the Chief Officer a sum equal to ten per centum (10%) of the amount due as well as interest on the unremitted surcharge at the rate of nine per centum (9%) annually calculated as from the day specified in that subsection.

12. - (1) For every service provided to the customer in a place of entertainment the licensee shall issue a numbered bill containing a detailed description of the services provided together with the price for each service.

Numbered bills.

(2) At least two copies of each such bill shall be issued, the original of which shall be given to the customer and the copy retained by the licensee until the end of December of the immediately following year of the date of issue for the purposes of audit by or on behalf of the Chief Officer or until such audit has been carried out whichever occurs first.

(3) All bills, bound in duplicate book form, shall be submitted to the Chief Officer before being used, to be recorded and appropriately marked.

(4) Where the licensee uses a cash machine for the issue of bills he shall -

- (a) use a machine which is designed to issue serially numbered analytical bills duly dated and to give the total daily collections otherwise known as a Z - Reading; and
- (b) keep copies of the tapes of the machine until the end of December of the following year of the date of issue for the purposes of audit by or on behalf of the Chief Officer or until such audit has been carried out whichever occurs first.

13. - (1) Every licensed place of entertainment shall be under the management and control of the licensee or a manager who shall be responsible for the operation of the place of entertainment in accordance with the provisions of this Ordinance and the licence issued in relation to it.

Management.

(2) The management and control of the licensed place of entertainment may be carried out by the licensee himself if he has the qualifications required under subsection (3) below.

(3) The person responsible for the management and control of a licensed place of entertainment shall -

- (a) be a graduate of a recognised hotel and catering school or a vocational school of tourism and shall be knowledgeable in food and drinks, or
- (b) be the holder of a leaving certificate from a secondary education school and has had one year's experience in catering work, or
- (c) possess experience in catering or similar work which is considered adequate by the Chief Officer.

(4) The management and control of licensed places of entertainment, that are classified as restaurants, taverns, cafeterias or pizzarias shall be by persons who possess the qualifications in subsection (3) (a) above.

(5) The provisions of the above subsection of this section shall not apply to a place of entertainment which was in operation on the date of commencement of this Ordinance until such time as the said place of entertainment has been licensed in accordance with the procedures in section 20.

(6) The licensee and manager of the place of entertainment and all persons employed therein shall behave with politeness towards the customers and shall show courtesy in the performance of their duties, provide satisfactory service to the customers and generally conduct themselves in a manner that does not offend the customer or disturb his enjoyment of the services provided.

Staff.

14. - (1) Every licensee, shall employ sufficient staff of various skills to provide services to its customers commensurate with the category and grade of the place of entertainment specified in the licence in order to ensure the proper operation thereof.

(2) All persons employed in a licensed place of entertainment shall possess a health certificate as defined in section 2 of this Ordinance.

PART IV

Miscellaneous Provisions

15. - (1) Except as provided in section 20 every person who -

- (a) uses the term "tourist", "place of entertainment", "tavern", "bar" or any other similar term for the identification of a place of entertainment in respect of which no licence has been issued;
- (b) maintains or operates a place of entertainment without a licence;
- (c) fails to issue numbered bills in accordance with section 12,

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding five hundred pounds or to both such penalties; and if the contravention is continued after conviction such person shall be guilty of a further offence and shall be liable to a fine not exceeding fifty pounds for every day on which the contravention continues.

(2) In addition to any other penalty provided by this section, the Court, upon the conviction of any person for an offence under subsection (1) above, may at its discretion order -

- (a) the closure of the place of entertainment in relation to which the offence was committed for such period as the Court may consider appropriate;
- (b) the payment of the costs of the proceedings by the person so convicted.

(3) If any person against whom an order was issued in pursuance of the provisions of paragraph (a) of subsection (2) above fails to comply with such order the Chief Constable or any person authorised by him (hereinafter referred to as "the appropriate enforcement authority") shall execute the order and claim the costs

Offences and penalties.

which have arisen in the course of executing the order from the person against whom such order was issued. Such costs shall be deemed to be a fine within the meaning of the Criminal Procedure Ordinance, and their repayment shall be enforced in accordance with the provisions of that Ordinance.

(4) Every person who fails to comply with an order issued under the provisions of paragraph (a) of subsection (2) above shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such penalties; and if the failure to comply continues after conviction shall be guilty of a further offence and shall be liable to a fine not exceeding fifty pounds for every day on which the premises remain open.

(5) (a) The Court before which a prosecution is to be heard for an offence in contravention of subsection (1) above may, upon an ex-parte application by the Chief Officer, order that any work with regard to the erection, construction, maintenance or operation of a place of entertainment be suspended until all the legal processes in respect of the said prosecution have been completed. The issue of such order shall be subject to the provisions of the Civil Procedure Ordinance, the Courts Ordinance and the Civil Procedure Rules;

(b) If any person against whom an order was made under the provisions of paragraph (a) of this subsection fails or neglects to comply with such order, it shall be lawful for the appropriate enforcement authority to carry out the order and the expenses incurred in carrying it out shall be paid to the appropriate enforcement authority by the person against whom the order was made and such expenses shall be treated as being a fine within the meaning of the Criminal Procedure Ordinance and their repayment shall be enforced in accordance with the said Ordinance;

(c) Any person against whom an order has been made under paragraph (a) of this subsection who refuses or fails to comply with such order shall be guilty of an offence regardless of whether the appropriate enforcement authority is in the process of execution or has executed such order and shall be liable on conviction to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such penalties.

(6) Any person who contravenes any provision of this Ordinance for which no special penalty is provided shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding three hundred pounds or to both such penalties.

16. - (1) Subject to the provisions of any other Ordinance relating to the hours of operation of shops, the Administrator may by Order in the Gazette specify the hours of operation of licensed places of entertainment either generally or by reference to each category or grade.

(2) (a) In any Order made under subsection (1) above the Administrator may authorise the Area Officer, after consultation with the Chief Officer, to extend or reduce the hours during which any place of entertainment may remain open by a special permit for a period not exceeding six months and such permit shall be issued free of charge:

Cap. 155 (Laws of Cyprus) and Ordinances 4/60, 19/63, 1/66, 2/72, 2/73, 10/75, 4/78, 11/79, 22/87, 4/92, 8/96 and 1/97.

Working hours of places of entertainment.

Provided that where such permit is issued no fee shall be paid in respect of the extended hours under any order made in pursuance of section 8 of the Sale of Intoxicating Liquors Ordinance.

(b) The Area Officer may at any time, after consultation with the Chief Officer, revoke or modify such permit.

(3) Any place of entertainment in respect of which such permit has been issued including such permit as may have been modified under subsection (2)(b) above may remain open only during the hours thus extended or reduced and shall remain closed during all other times.

(4) The licensee or the manager who keeps open or allows such place to remain open in contravention of this section shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding five hundred pounds or to both such penalties.

Regulations.

17. - (1) The Administrator may make Regulations in relation to any matter which may be prescribed under the provisions of this Ordinance and generally for the purpose of putting this Ordinance into effect and in particular but without prejudice to the generality of the foregoing provisions may make Regulations -

- (a) prescribing the forms and documents to be used for the purposes of this Ordinance;
- (b) prescribing the form and matters to be included in applications for the issue of licences, the form and content of licences and any other documents and as to the keeping of records and the furnishing of particulars and the giving of information;
- (c) prescribing fees to be charged in respect of the issue of licences.

(2) Regulations made under this Ordinance may provide for penalties for any contravention thereof not exceeding six months imprisonment or a fine not exceeding three hundred pounds or to both such penalties.

18. The Chief Officer may delegate any of his powers or functions under the provisions of this Ordinance to any other officer of the Administration.

Supervision and control.

19. - (1) Subject to the provisions of any other Ordinance in force, the supervision and exercise of control over places of entertainment for the purposes of this Ordinance shall be carried out by the Chief Officer or any officer authorised by him.

(2) The Chief Officer or any such officer authorised may at any reasonable time enter, inspect, check and examine any place of entertainment and obtain copies or extracts of any book or document concerning such place and any other information which he may consider necessary to ascertain whether the provisions of this Ordinance are being observed. The licensee or manager shall be present during such inspections if so requested by the Chief Officer or such officer authorised.

(3) Every licensee or manager shall provide such facilities as may be requested by the Chief Officer or such officer authorised for the exercise of the powers conferred under this section.

(4) Any person who obstructs the Chief Officer or any such person authorised in exercising the powers conferred under this section or fails to provide all the said facilities requested, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding three hundred pounds or to both such penalties.

20. - (1) Notwithstanding the provisions of subsection (1) of section 5, any person operating a place of entertainment on the date of the coming into operation of this Ordinance hereinafter referred to as "relevant date" may continue to operate that place of entertainment provided he is a holder of a business licence under section 21 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance relating to that place of entertainment provided that, within three months of the relevant date he applies to the Chief Officer for classification thereof and for a licence under this Ordinance and may continue to so operate until the Chief Officer classifies the place of entertainment or issues a licence or as the case may be refuses to classify the said place of entertainment or issue a licence in respect of the place of entertainment.

Transitional provisions.

(2) Where any place of entertainment to which this section applies fails to meet the requirements laid down under this Ordinance as respects the building the Chief Officer -

- (a) if he considers that the carrying out of such building requirements is feasible, shall direct that such requirement be carried out within a specified time, or
- (b) if he considers that the carrying out of such building requirements is not feasible, may nevertheless issue a licence if, in all the circumstances, it is reasonable to do so having regard to health, safety and generally to public interests.

21. The provisions of this Ordinance shall in no way affect the operation of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960 and in particular section 21 thereof relating to business licences.

Business licences not affected by Ordinance.

22. The provisions of this Ordinance shall apply in addition to and not in substitution for the provisions of the Villages (Administration and Improvement) Ordinance and the Public Health (Villages) Ordinance relating to the issue of licences for places of entertainment in operation which are also regulated by this Ordinance.

Ordinance to apply notwithstanding licences under other Ordinances.

23. This Ordinance shall not apply to any place of entertainment operated by the Crown by any capacity or by an authorised service organisation or by sutlers.

Exemptions.

19th February 1999
(173/18)

P.A. ROTHERAM,
Chief Officer

