



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1167 of 22nd December 1999
LEGISLATION

ORDINANCE 25 OF 1999

AN ORDINANCE
TO AMEND THE POLICE ORDINANCE

A. I. RAMSAY
ADMINISTRATOR

13th December 1999.

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 Police (Amendment) Ordinance 1999 and shall be read as one with the Police Ordinance 1967 as amended from time to time (hereinafter referred to as "the principal Ordinance").

Short title.

Ordinances 9/67,
14/69, 7/75, 2/93
and 10/98.

2. Paragraph (d) of subsection (3) of section 9 of the principal Ordinance is hereby amended by deleting the words "not exceeding ten days' pay".

Section 9 of the
principal
Ordinance
amended.

13th December 1999
(132/32)
(132/24)

D.J. BONNER,
Chief Officer.

ORDINANCE 26 OF 1999

**AN ORDINANCE
TO COMBAT VIOLENCE AND OTHER
OFFENSIVE CONDUCT AT SPORTING EVENTS**

A. I. RAMSAY
ADMINISTRATOR

17th December 1999.

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

Short title.

1. This Ordinance may be cited as the Sporting Events (Control of Violence) Ordinance 1999.

Interpretation.

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

“playing area” means the area within the sports ground which is for the exclusive use of those participating in the sporting event as players, contestants, athletes or officials, being an area that is separate or separated from the area that is for use by spectators for watching the sporting event;

“sporting event” means any sporting or athletic activity organised and conducted under related rules laid down by a recognised governing body such as association football, basketball, horse racing, athletics and other similar formally organised sporting activities;

“sports ground” means any venue whether outdoors or indoors where sporting events take place such as a stadium, arena, race track or other similar venue and includes the entry and exit areas, the car parking areas and the immediate vicinity of such venues.

Possession of
offensive weapon.

3. - (1) Any person who without lawful authority or reasonable excuse, the proof of which shall lie on him, has with him whilst in any sports ground any offensive weapon shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for two years.

(2) Where any person is convicted of an offence under subsection (1) of this section, the court may make an order for the forfeiture or disposal of the offensive weapon in respect of which the offence was committed.

(3) In this section "offensive weapon" includes –

Definition of
offensive weapon.

- (a) any article made or adapted for use for causing injury or fear of injury to others or intended by the person having the article with him for such use by him or by some other person and;
- (b) any article capable of causing injury to a person struck by it such as –
 - (i) a bottle, can or other portable container (including such article when crushed or broken or any part of such article) other than a container for holding medicine or;
 - (ii) any hard object of metal, wood, stone or otherwise capable of being thrown at or of being used to strike another person, other than a walking stick, crutches or other similar aids used by a disabled person;
- (c) any article that is a firework or the main purpose of which is the emission of an illuminating flare or the emission of smoke or a visible gas such as distress flares or fog signals but does not include matches or cigarette lighters.

4. Any person not being a player, contestant or official of a sporting event, who enters the playing area of any sports ground without lawful authority or reasonable excuse, the proof of which shall lie on him, shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for two years.

Entering playing
area unlawfully.

5. Any person who is drunk or under the influence of drugs and who conducts himself in a disorderly manner in a sports ground during a sporting event shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for one year.

Being drunk or
under influence of
drugs.

6. Any person who in a sports ground causes a disturbance which interferes with or obstructs a sporting event shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for six months.

Obstructing
sporting event.

7. Any person who in a sports ground during a sporting event wilfully and unlawfully destroys or damages any property belonging to another person shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for three years.

Destroying or
damaging property.

8. Any person who in a sports ground during a sporting event uses threatening, abusive or insulting words or behaviour likely to cause a breach of the peace shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for six months.

Insult.

9. Any person who in a sports ground during a sporting event assaults another person shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for two years.

Assault.

10. Any person who in a sports ground during a sporting event who throws any article which is capable of causing injury to another person shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for one year.

Throwing articles.

11. - (1) Any person who in a sports ground during a sporting event takes part in an affray shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for two years.

Affray.

(2) For the purposes of this Ordinance a person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

(3) Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of subsection (2).

(4) For the purposes of this section a threat cannot be made by the use of words alone.

(5) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

12. - (1) Where five or more persons assembled within a sporting ground during a sporting event with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause other persons there present reasonably to fear that the persons so assembled will commit a breach of the peace, they are an unlawful assembly. When an unlawful assembly has begun to execute the purpose for which it is assembled by a breach of the peace and to the terror of other persons there present, the assembly is called a riot, and the persons there assembled are said to be riotously assembled.

(2) Any person who takes part in an unlawful assembly within a sports ground is guilty of a misdemeanour and is liable to imprisonment for one year.

(3) Any person who takes part in a riot within a sports ground is guilty of a misdemeanour and is liable to imprisonment for three years.

(4) The provisions of sections 73 to 77 inclusive of the Criminal Code shall apply mutatis mutandis to the actions of any person riotously assembled within a sports ground.

13. - (1) Where the Chief Constable reasonably believes that serious public disorder is likely to occur at any sporting event, he may make an order under this section prohibiting the holding of the said sporting event or prohibiting the attendance thereat of any person he reasonably suspects may become involved in such serious public disorder.

(2) Any person who participates in the organisation of any sporting event or who attends any sporting event contrary to a order under this section shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for two years.

14. - (1) A court by or before which a person is convicted of an offence under this Ordinance may in addition to any sentence make an order prohibiting that person from entering any, or any specified sports ground, for such period as may be specified in the order or until the order has been terminated by the court on the subsequent application of the person so convicted.

(2) Any person who enters or attempts to enter a sports ground in breach of an order under this section shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment for two years.

Definition of
unlawful assembly
and riot.

Cap. 154 (Laws of
Cyprus) and
Ordinances 11/63,
17/63, 10/66, 8/72,
1/73, 7/79, 8/82,
7/87, 24/89
and 2/97.

Order prohibiting
sporting event or
attendance thereat.

Prohibiting entry
into specified
sports ground.

15. A police officer may arrest without warrant any person whom he suspects upon reasonable grounds of having committed an offence under this Ordinance.

Arrest.

16. For the purposes of this Ordinance a sporting event is deemed to commence two hours before the start of the said event and terminate one hour after its conclusion.

Time of commencement and termination of sporting event.

17th December 1999
(194/18)

D.J. BONNER,
Chief Officer.

ORDINANCE 27 OF 1999

**AN ORDINANCE
TO AMEND THE CRIMINAL PROCEDURE ORDINANCE**

**A. I. RAMSAY
ADMINISTRATOR**

17th December 1999.

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

Short title.

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance 1999 and shall be read as one with the Criminal Procedure Ordinance, as amended from time to time (hereinafter referred to as "the principal Ordinance").

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.

2. The principal Ordinance is hereby amended by repealing section 23 thereof and replacing it with the following new section:-

Section 23 of the principal Ordinance repealed and replaced.

"Power to release person arrested on warrant of arrest.

23.- (1) Any Judge, on issuing a warrant for the arrest of any person in respect of any matter other than an offence punishable with death, may if he thinks fit, by endorsement on the warrant, direct that the person named in the warrant be released after arrest on his depositing with the police a sum of money of such amount as the Court may determine as security against his surrender to custody or on his entering into such bail bond for his appearance as may be required in the endorsement.

(2) The endorsement shall specify –

- (a) any amount of money to be deposited with the police;
- (b) the number of sureties, if any;
- (c) the amount in which they and the person named in the warrant are respectively to be bound;
- (d) the Court before which the person arrested is to attend; and
- (e) that he is to appear at such time as is notified by the arresting officer and at any subsequent time as may be directed by any Court before which he may appear.

(3) Where such an endorsement is made, the officer in charge of any police station to which on arrest the person named in the warrant is brought, shall release him upon his paying any sum of money as security against his surrender to custody as may have been specified in the endorsement, or upon his entering into a bail bond, in accordance with the said endorsement, conditioned for his appearance before the Court and at the time and place named in the bail bond. Such sum of money or such bond shall then be forwarded to the Court before which the person named in the bail bond is bound to appear.

(4) Where action is taken under this section the surety or sureties, if any, shall be such as may be approved by the officer who takes the bail bond."

3. Section 48 of the principal Ordinance is hereby amended by deleting in line 3 thereof the figure "2" where it appears in parentheses and substituting therefor the figure "5".

Section 48 of the principal Ordinance amended.

4. Section 157 of the principal Ordinance is hereby repealed and replaced with the following new section:-

Section 157 of the principal Ordinance repealed and replaced.

"Release on bail.

157 - (1) Subject to the provisions of sub-section (5) of this section, any Court exercising criminal jurisdiction may, if it thinks proper, at any stage of the proceedings, release on bail any person charged or convicted of any offence, upon his giving security for his surrender to custody or upon the execution by such person of a bail bond on such terms and conditions as it may see fit.

(2) Where a Court has granted bail in criminal proceedings it may on application -

- (a) by or on behalf of the person to whom bail was granted, or
- (b) by the prosecutor,

vary the conditions of bail or impose conditions in respect of bail which has been granted unconditionally.

For the purposes of this subsection "surrender" means, in relation to a person released on bail, surrendering himself into the custody of the Court or to the police officer (according to the requirements of the grant of bail) at the time and place for the time being appointed for him to do so.

(3) Where notice of appeal has been given or where the convicted person has applied for leave to appeal, any Senior Judge, or, if satisfied that there would be such delay in obtaining a decision from a Senior Judge as would, in the circumstances of the case, subject the applicant to unreasonable hardship, any Judge, may grant bail to a convicted person on such terms as he may see fit including the giving of security for his surrender to custody or the execution of a bail bond.

(4) In exercise of this power under the provisions of subsection (3) of this section, the Senior Judge or Judge considering the application shall bear in mind the period which is likely to lapse before the appeal can be heard and may take into account any other factor which seems to him to be just in the circumstances of the case.

(5) In no case shall a person upon whom sentence of death has been passed be released on bail; and no person charged with any offence punishable with death shall be released on bail except by an order of the Senior Judge."

New section 157A
inserted into the
principal
Ordinance.

5. The principal Ordinance is hereby amended by inserting immediately after section 157 the following new section to be numbered 157A:-

"Forfeiture of
security.

157A - (1) Where a person has given security in pursuance of section 23 or section 157 of this Ordinance and a Court is satisfied that he failed to surrender to custody then, unless it appears that he had a reasonable cause for his failure, the Court may order the forfeiture of the security.

(2) If a Court orders the forfeiture of a security under subsection (1) above the Court may declare that the forfeiture extends to such amount less than the full value of the security as it thinks fit to order.

(3) A Court which has ordered the forfeiture of a security under subsection (1) above may, if satisfied on an application made by or on behalf of the person who gave it that he did after all have reasonable cause for his failure to surrender to custody, by order remit the forfeiture or declare that it extends to such amount less than the full value of the security as it thinks fit to order.

(4) A security which has been ordered to be forfeited by a Court under sub-section (1) above shall, to the extent of the forfeiture if it consists of money, be accounted for and paid in the same manner as a fine imposed by the Court would be."

17th December 1999

(128/16)

D.J. BONNER,
Chief Officer.

ORDINANCE 28 OF 1999

**AN ORDINANCE
TO AMEND THE DRINKING AND DRIVING
ORDINANCE**

A. I. RAMSAY
ADMINISTRATOR

22nd December 1999.

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 Drinking and Driving (Amendment) Ordinance 1999 and shall be read as one with the Drinking and Driving Ordinance 1993 as amended from time to time (hereinafter referred to as "the principal Ordinance").

Short title.

Ordinances 6/93, 11/93, 10/95 and 8/98.

2. Section 2 of the principal Ordinance is hereby amended by:-

Section 2 of the principal Ordinance amended.

(1) deleting therefrom the definition of "motor vehicle" and substituting therefor the following new definition:-

" "motor vehicle" means any vehicle for which a licence to drive is required under the provisions of the Motor Vehicles and Road Traffic Regulations 1985."

P.I. Nos. 35/85, 39/93, 80/93, 13/95, 18 and 35/95, 54 and 55/95, 7/98 and 63 and 64/99.

(2) inserting in the appropriate alphabetical order the following new definition:-

"vehicle" means a motor vehicle, pedal cycle and any other means of human transport intended or adapted for use on a road."

3. The principal Ordinance is hereby amended by deleting therefrom the word "motor" wherever it appears in sections 3, 4, 5, 9 and 10 thereof.

Sections 3, 4, 5, 9 and 10 of the principal Ordinance amended.

4. Section 12 of the principal Ordinance is hereby amended by:-

Section 12 of the principal Ordinance amended.

(1) inserting in subsection (2) thereof immediately after the word "Ordinance" where it appears in line two the words "arising from his driving or being in charge of a motor vehicle".

(2) adding immediately after subsection (2) thereof the following new subsections to be numbered (3), (4), (5) and (6):-

“(3) for the purposes of subsection (2) above, the expression “special reasons” means reasons or circumstances which are, in the opinion of the Court trying the offence, special to the offence or to the offender.

(4) A person who by virtue of an order of the Court under subsection (2) of this section is disqualified from holding or obtaining a licence to drive a motor vehicle may appeal against the order in the same manner as against a conviction and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.

(5) Where any person is convicted of an offence contrary to this Ordinance, the Court by which he is convicted may, in any case, and shall when such Court has ordered such person to be disqualified from holding a driving licence, order the particulars of such conviction and such disqualification to be endorsed upon the licence of such person.

(6) The Court may, for the purpose of ensuring that an order made under the provisions of subsection (2) of this section is complied with, or for ensuring that any person who has been disqualified from holding or obtaining a licence is prevented from using such licence during the period of such disqualification:-

- (a) direct that any such licence held by such person (other than a licence issued to a Cypriot by a Republican Authority) be surrendered to the Police during the period of such disqualification; or
- (b) direct that any licence held by such person be produced to the Court for the purpose of endorsement.”.

5. The principal Ordinance is hereby amended by inserting immediately after section 12 thereof the following new section to be numbered 12A:-

Effect of
disqualification.

“12A. If any person who has been disqualified from holding or obtaining a driving licence under the provisions of this Ordinance applies for or obtains a driving licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle on a road, that person is guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or, if the Court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding four hundred and fifty pounds, or to both such imprisonment and such fine, and a driving licence obtained by any person disqualified as aforesaid shall be of no effect.”.

22nd December 1999
(120/8)

D.J. BONNER,
Chief Officer.



