



**S U P P L E M E N T No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1273 of 16th December 2002**  
**L E G I S L A T I O N**

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ORDINANCE 37 OF 2002

**AN ORDINANCE**  
**TO PROVIDE FOR CONTRIBUTIONS BY EMPLOYERS**  
**TO THE SOCIAL COHERENCE FUND OF THE**  
**REPUBLIC**

**T. W. RIMMER**  
**ADMINISTRATOR**

11th December 2002.

**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 Social Coherence Fund Ordinance 2002.

Short title.

**2. – (1)** In this Ordinance, unless the context otherwise requires:-

Interpretation.

“Director” means the Director or Acting Director of the Social Insurance Services of the Republic;

“social coherence fund contribution” means the contribution which is paid under the provisions of this Ordinance.

(2) Subject to subsections (3) and (4), “earnings”, in relation to an employed person, shall have the meaning assigned to the term by the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 1980, as amended.

Ordinance 16 of 1980 and Ordinances 5/83, 1/84, 5/85, 17/85, 6/87, 24/87, 14/88, 4/90 and 1/93.

(3) Notwithstanding subsection (2), the term “earnings” shall also include:-

(a) any payment in cash or in kind, made in exchange for the provision of any services by employed persons; and

(b) any payment made as a thirteenth salary or in any other way, over and above the usual remuneration received in respect of a specific period.

(4) Notwithstanding subsection (1), the term “earnings” shall not include:-

- (a) any other grant or retirement benefit or any sum paid by a recognised Provident Fund;
- (b) any remuneration received by an alien person:-
  - (i) employed by a foreign Government;
  - (ii) employed by an international organisation;
  - (iii) employed by a company which is the owner of a ship registered in the Republic or a company which receives its income from the provision of ship management services as set out in section 4 of the Merchant Shipping (Fees and Tax Provisions) Law of the Republic; or
  - (iv) during the years 2003, 2004 and 2005, who is employed by a company which has opted to be taxed in accordance with section 46 of the Income Tax Law of the Republic.

Republican Law  
38(I) of 1992, as  
amended.

Republican Law  
118(1) of 2002.

(5) Any other terms used in this Ordinance shall have the meaning assigned thereto by or under the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 1980, as amended.

Obligation to pay  
a social coherence  
fund contribution.

**3. – (1)** Notwithstanding the provisions of any other Ordinance, every employer shall pay to the Director a social coherence fund contribution of 2% of the amount of total earnings of every person in his employment in order to support the Social Coherence Fund, the revenues of which shall be used for the purpose of granting social benefits to certain persons to compensate them for the increases in excise duties and Value Added Tax payable by them.

(2) Subject to the provisions of this Ordinance, the confirmation, payment, receipt and retention of any amount of Social Coherence Fund contribution and of any rate on such amount shall be made in accordance with the relevant provisions of the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 1980, as amended.

(3) This section shall apply to the Crown in any capacity as it applies to any other employer.

Deposit of a social  
coherence fund  
contribution.

**4.** All contributions made under this Ordinance shall be deposited into the Consolidated Fund of the Republic.

Offences and  
penalties.

**5. – (1)** Any employer who refuses, or fails to pay any social coherence fund contribution in accordance with the provisions of this Ordinance shall be guilty of an offence and shall be liable, on conviction, to a term of imprisonment not exceeding 6 months or to a fine not exceeding £500 or to both such penalties.

(2) Where an offence under subsection (1) committed by a body corporate or other legal person is proved to have been committed with the consent or connivance of, or to have been attributable to the neglect on the part of, any director, manager, secretary or other similar officer of such legal person or a person who was purporting to act in any such capacity, he as well as the legal person shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate or other legal person are managed by its members, the preceding subsection shall apply

in relation to the acts and defaults of any member in connection with his functions of management as if he were a director of such legal person.

(4) Nothing in this section shall be construed as prohibiting the Republic from recovering, by means of civil proceedings, any amount owing to it.

(5) Proceedings for any offence under this Ordinance shall not be instituted without the consent of the Attorney General and Legal Adviser.

(6) Notwithstanding the provisions of this section no proceedings of a civil or criminal nature may be taken against the Crown in any capacity for any failure to comply with the provisions of this Ordinance.

6. The Administrator may make Regulations for the better application of the provisions of this Ordinance.

Regulations.

7. This Ordinance shall come into force on the 1st January 2003.

Commencement of Ordinance.

*11th December 2002*  
(173/22)

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J.C.A. JARVIS CBE,  
Chief Officer.  
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ORDINANCE 38 OF 2002

**AN ORDINANCE  
TO AMEND THE CORONERS  
(CONSOLIDATION AND EXTENSION) ORDINANCE.**

**T.W. RIMMER**  
**ADMINISTRATOR**

13th December 2002.

**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 Coroners (Consolidation and Extension)(Amendment) Ordinance 2002 and shall be read as one with the Coroners (Consolidation and Extension) Ordinance (hereinafter referred to as “the principal Ordinance”).

Section 2 of the principal Ordinance amended.

2. Section 2 of the principal Ordinance shall be amended by deleting the words “a practitioner as defined in the Medical Practitioners Ordinance 1964.” in the definition of “medical practitioner” (lines one and two) and substituting therefor the words “any person who is qualified as a medical practitioner in any country.”.

Section 12 of the principal Ordinance amended.

3. Section 12 of the principal Ordinance shall be amended by deleting the words “any Medical Officer or” (line six) and the words “within his jurisdiction” (line seven) thereof.

Section 14 of the principal Ordinance amended.

4. Section 14 of the principal Ordinance shall be amended by inserting at the end thereof the following new proviso:

“Provided that the coroner may admit at an inquest documentary evidence relevant to the purposes of the inquest from any living person where in his opinion:

- (i) the evidence is unlikely to be disputed, or
- (ii) the maker of the document is unable to give oral evidence within a reasonable period, or
- (iii) the maker of the document is unlikely to attend to give oral evidence by reason of his residence outside the jurisdiction of the court.”

13th December 2002  
(128/26)

J.C.A. JARVIS CBE,  
Chief Officer

ORDINANCE 39 OF 2002

**AN ORDINANCE  
TO PROVIDE FOR PARENTAL LEAVE AND LEAVE  
ON GROUNDS OF FORCE MAJEURE**

**T. W. RIMMER**  
**ADMINISTRATOR**

13th December 2002.

**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 Parental Leave and Leave on Grounds of Force Majeure Ordinance 2002.

Short title.

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

Interpretation.

“dependant” in relation to any person means the spouse, a child, parent, brother, sister or grandparent of that person who is dependent on that person for financial support;

“direct sex discrimination” means treating a person less favourably than the way in which persons of the opposite sex to that of that person are treated, by reason of that person’s sex;

“employee” means a person who works for another person under a contract of employment or apprenticeship or under such other circumstances as give rise to a relationship of employer and employee; and “employer” shall be construed accordingly;

“indirect sex discrimination” means the application by a person (“the discriminator”) to another person (“the victim”) of a requirement or condition which the discriminator applies or would apply equally to a person of the opposite sex to that of the victim but –

(a) which is such that the proportion of persons of the sex of the victim who can comply with it is considerably smaller than the proportion of persons of the opposite sex to that of the victim who can comply with it; and

- (b) which the discriminator cannot show to be justifiable irrespective of the sex of the person to whom it is applied; and
- (c) which is to the detriment of the victim because the victim cannot comply with it;

“parent” means a natural or adoptive parent;

“principle of equality of treatment” means the absence of any discrimination by reason of direct sex discrimination or indirect sex discrimination;

“sex discrimination” means any act or failure to act in relation to any person by reason of that person’s sex which results in unfavourable treatment of, or detriment to, that person.

## PART II

### PARENTAL LEAVE

Scope of Part II.

**3.** This Part shall apply to all employees, men and women, who have completed a continuous period of at least six months employment with the same employer at the time of taking parental leave from their employment with that employer.

Entitlement to parental leave.

**4. - (1)** Any employed parent shall be entitled to take unpaid parental leave of up to thirteen weeks in total, by reason of the birth or adoption of a child, in order for the parent to take care of and participate in the raising of the child:

Provided that the right to take such parental leave shall be personal to an individual parent and not transferable.

(2) Where a parent has more than one child –

- (a) otherwise than in the circumstances described in paragraph (b) below, the parent shall be entitled to parental leave in respect of each child, provided that at least one year of employment with the same employer has elapsed since the expiration of parental leave previously taken in respect of another child;
- (b) arising from the same confinement, the entitlement to parental leave shall be a total of thirteen weeks, irrespective of the number of children born in that confinement.

(3) If both parents of a child are employed by the same employer, they shall decide between themselves which of them shall take parental leave on any particular occasion, and for how long.

**5. - (1)** Parental leave shall be taken -

- (a) by natural parents, within the period commencing on the day after the expiration of the maternity leave relating to the child in question and ending on the sixth anniversary of the child’s birth;
- (b) by adoptive parents, within the period commencing on the date of the adoption of the child in question, or if maternity leave has been taken in relation to the child, commencing on the day after the expiration of the maternity leave and ending on the twelfth anniversary of the child’s birth.

Period in which parental leave may be taken.

(2) A person may take by way of parental leave in any one year a minimum period of one week and a maximum period of four weeks.

6. An employee intending to take parental leave shall notify his employer in writing at least five weeks before such leave is to commence of the dates that the parental leave is to commence and end.

Notification to employer before taking parental leave.

7. An employer may deny that an employee has a right to parental leave if the employer has reasonable cause to believe that the employee is not entitled to such leave. Before denying an employee such a right, the employer shall inform the employee of the employer's intention to deny the right and request the employee to make any representations he may wish to make on the matter within seven days. The employer shall take any such representations into consideration before making a final decision on the matter.

Employer denying employee's right to parental leave.

8. An employer may, following consultation with the employee concerned, postpone an employee's taking of parental leave for reasons related to the employer's undertaking, such as for example that the work of the undertaking is seasonal, or that no replacement can be found for the employee for the period he has notified, or that a large proportion of the employer's employees wish to take parental leave during the same period or that the employee's position is of strategic importance:

Employer postponing employee's taking of parental leave.

Provided that the employer shall, within two weeks of the submission of a notification by an employee under section 6, give to the employee in writing the reasons for any postponement of parental leave, which postponement may not be for a period exceeding six months from the date that the postponement is notified to the employee.

9. - (1) An employee shall use parental leave for taking care of and participating in the raising of the child in respect of which the leave is taken.

Termination of parental leave by employer if leave is improperly used.

(2) An employer may terminate any parental leave if he has reasonable cause to believe that it is being used for a purpose other than that of taking care of and participating in the raising of the child in respect of which it is being taken.

(3) An employer shall, before terminating any parental leave, inform in writing the employee concerned of his intention to do so and request the employee to submit any representations he may have within seven days. The employer shall take into consideration any representations of the employee before deciding whether or not to terminate the parental leave.

(4) If an employer decides to terminate any parental leave he shall inform the employee concerned accordingly by notice in writing. Such notice shall state the reasons for and the date of termination. The termination date of the parental leave shall be at least seven days after the date such notice is given.

(5) Where parental leave is terminated, the employee shall return to work. Any period between the date that an employee returns to work and the date at which the parental leave would have expired if the employee had taken all of such leave, shall not be considered as parental leave.

Preservation of employee's rights during parental leave.

**10. - (1)** On the expiration of any parental leave taken by any person, he may return to work to the same position that he had held before he took his parental leave, or to a similar position, that is to say, to another position which is not inferior to the position that he had held before taking parental leave.

(2) All the rights of a person arising from his employment shall be maintained during his absence from work on parental leave, and all additional rights relating to his employment and arising from legislation, collective agreements or practice made or adapted whilst he was on parental leave shall accrue to him on his return to work on the expiration of his parental leave.

(3) During the absence of an employee from his work in accordance with section 4, he shall be credited with the insurable earnings provided for in the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 1980.

Ordinance 16 of 1980 as amended by Ordinances 5/83, 1/84, 5/85, 17/85, 6/87, 24/87, 14/88, 4/90 and 1/93.

(4) The period of absence of an employee from work, in accordance with section 4, shall be treated as a working period for the purposes of determining his entitlement to annual holiday with pay. The period of absence of an employee from his work, in accordance with section 4 or 12 shall not be treated as holiday under the Annual Holidays with Pay Ordinance 1973.

Ordinance 10 of 1973 as amended by Ordinances 12/79 and 21/80.

(5) The period of absence of an employee from his work, in accordance with section 4 shall be treated as a period of employment for the purposes of the Termination of Employment (Consolidation) Ordinance 1980.

Ordinance 5 of 1980 as amended by Ordinances 1/81, 4/83, 5/88, 5/90, 2/91 and 4/95.

Obligation of employee to inform Chief Officer about parental leave taken.

**11. - (1)** An employee who has taken any period of parental leave shall, within three months of the expiration of such period, inform the Chief Officer accordingly in such manner as the Chief Officer may direct.

(2) Where an employee proves he had a reasonable cause for not informing the Chief Officer within the period mentioned in subsection (1) above, that period shall be extended by a decision of the Chief Officer for as long as that reasonable cause continues, but such extension shall not exceed a period of twelve months.

### PART III

#### LEAVE ON GROUNDS OF FORCE MAJEURE

Leave on grounds of force majeure.

**12. - (1)** Any employee shall be entitled to take, upon application, unpaid leave of up to seven days each year, on grounds of force majeure by reason of a family emergency and related to an illness of, or an accident to, any dependant of the employee which makes the immediate presence of the employee indispensable.

(2) Such leave may be taken by way of a single period of leave or by way of two or more separate periods.

(3) For the avoidance of doubt, a husband and wife are each entitled to such leave.

Obligation of employee to notify his employer of leave taken on grounds of force majeure.

**13.** Any employee who takes or intends to take leave on grounds of force majeure shall notify his employer of the fact without delay.



## PART IV

## GENERAL PROVISIONS

**14.** Men and women shall be treated equally and accordingly any direct or indirect sex discrimination in relation to the rights given under this Ordinance shall be prohibited.

Prohibition on sex discrimination.

**15.** If any person considers that he is affected by the non-observance of the principle of equal treatment and presents before a court, in any civil proceedings, or before any other competent authority, except in connection with a voluntary out-of-court settlement, evidence of any direct or indirect sex discrimination, the onus of proof that there has been no contravention of the principle of equal treatment shall lie on the respondent.

Onus of proof on issue of sex discrimination.

**16.** The provisions of this Ordinance shall not prevent any more favourable terms being given to employees under any collective agreement or agreement between an employer and his employees.

More favourable terms not prevented.

**17.** - (1) The taking of parental leave by any person or his absence from work on grounds of force majeure shall not provide a reason for terminating the contract of his employment and shall not give rise to any break in the length of his service under that contract.

Prohibition on termination of contract of employment by reason of leave under the Ordinance.

(2) Any termination of the contract of employment of an employee made in contravention of subsection (1) above shall be unlawful and shall entitle the employee to compensation.

**18.** The Chief Officer may appoint inspectors and such other officials as he may consider necessary, for the more effective application of the provisions of this Ordinance.

Appointment of inspectors and other officials.

**19.** - (1) Subject to the provisions of this section, the Industrial Disputes Tribunal shall have exclusive jurisdiction to determine any dispute of a civil nature (including any ancillary or incidental matter relating to such a dispute) arising from the provisions of this Ordinance.

Civil disputes.

(2) Part III of the Citizens of the Republic (Jurisdiction of Courts) Ordinance 1960 shall apply to disputes of a civil nature arising from the provisions of this Ordinance, and for such purpose -

Ordinance 6/1960.

- (a) any proceedings in connection with such a dispute shall be treated as civil proceedings and, as appropriate, as an action or an appeal;
- (b) the Industrial Disputes Tribunal shall be treated as a Court of the Areas, and the Industrial Disputes Court of the Republic shall be treated as a District Court of the Republic; and
- (c) any corporation, company or other body corporate established in the Republic under the provisions of any Law of the Republic, shall be treated as a Cypriot.

(3) An award by the Industrial Disputes Tribunal or by the Industrial Disputes Court of the Republic under the provisions of this Ordinance shall be recoverable as a civil debt.

**20.** - (1) Subject to subsection (2) below and with the exception of section 21, this Ordinance shall apply to the Crown as it applies to a private person.

Application to the Crown.

(2) This Ordinance shall not apply to –

- (a) members of the Naval, Military and Air Forces of the Crown or to the Crown as the employer of such persons;
- (b) persons employed or paid by the Crown in right of the Government of the United Kingdom (other than persons employed on locally engaged terms) or to the Crown in any capacity as the employer of such persons; or
- (c) persons employed by an Authorised Service Organisation as defined in the Treaty of Establishment (otherwise than on locally engaged terms) or to an Authorised Service Organisation as the employer of such persons.

(3) In addition to those persons and their employers specified in subsection (2) above, the Administrator may by Order published in the Gazette, declare that this Ordinance shall not apply to any other category of persons or their employers, (not in either case being Cypriots or persons domiciled in the Areas or the Republic).

Offences.

**21.** An employer who contravenes any of the provisions of this Ordinance shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand pounds.

Commencement.

**22.** This Ordinance shall come into force on 1st January 2003.

*13th December 2002*  
(107/4/3)

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J.C.A. JARVIS CBE,  
Chief Officer.

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