



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1286 of 25th April 2003
LEGISLATION

ORDINANCE 15 OF 2003

**AN ORDINANCE TO MAKE PROVISION IN RELATION
TO PROVISIONS OF PUBLIC INSTRUMENTS OF THE
REPUBLIC OF CYPRUS WHICH HAVE BEEN ADOPTED
SO AS BE TREATED AS IF THEY WERE PROVISIONS
CONTAINED IN A PUBLIC INSTRUMENT OF THE AREAS**

T.W. RIMMER
ADMINISTRATOR

25th April 2003.

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 Adopted Instruments Ordinance 2003. Short title.

2. – (1) In this Ordinance, unless the context otherwise requires – Interpretation.

“adopted instrument” means a public instrument (a “Republican instrument”) which has been made under a power contained in a Republican enactment and which has effect (whether or not subject to any exceptions, adaptations or modifications) as if it had been duly made under the corresponding power contained in an Ordinance corresponding to that Republican enactment; and cognate expressions shall be construed accordingly;

“officer of the Republic” means –

- (a) any person who, whether or not he is a member of the public service of the Republic;
- (b) any body of persons which, whether or not it is an official body, and whether or not it is incorporated,

has any powers conferred, or any duties imposed upon him or it, by or under any Republican enactment;

(2) Any reference in this Ordinance to a provision of the Areas and a provision of the Republic corresponding one to the other shall be construed as a reference to provisions of the Areas and of the Republic respectively whose effects are similar or substantially similar.

Powers and duties.

3. – (1) Any power conferred or duty imposed on any officer of the Republic under a Republican instrument shall be deemed to be conferred, or as the case may be, imposed on the Chief Officer under that instrument as adopted.

(2) Any power conferred or duty imposed on the Chief Officer by virtue of subsection (1) may, subject to any conditions or restrictions imposed by the Administrator, be lawfully exercised, or as the case may require, may lawfully be performed in the Areas or elsewhere by such officer of the Republic as is authorised to exercise a similar power or required to perform a similar duty in the Republic by or under any Republican enactment.

(3) For the purposes of this Ordinance the exercise of any power or the performance of any duty includes the doing of any act or thing which is permitted or required to be done in relation to the exercise of that power or the performance of that duty.

Effect of acts of officers of the Republic.

4. Any power exercised or any duty performed by an officer of the Republic acting pursuant to section 3(2), and any act or thing whatsoever done or suffered in connection with the exercise of such a power or the performance of such a duty shall be of the same force and effect in all respects and for all purposes as if such power had been exercised, or such duty had been performed or such act or thing had been done by the Chief Officer acting pursuant to section 3(1).

Protection of officers of the Republic.

5. Any enactment of the Areas giving protection to officers of the Areas against civil or criminal liability in respect of acts done in the course of their duties, or in any way applying to such acts, shall apply to officers of the Republic acting pursuant to section 3(2), and to any acts of such officers while so acting, as if such officers were officers of the Areas and as if such acts were the acts of officers of the Areas.

Judicial notice and proving Republican legislation.

6. – (1) A court of the Areas may take judicial notice of –

- (a) any Republican enactment containing a power under which a public instrument may be made, if a public instrument made under that power would have effect as one made under the corresponding power contained in the Ordinance corresponding to the Republican enactment (that is to say, if a public instrument made under the Republican enactment would, could or had become an adopted instrument);
- (b) any adopted instrument;
- (c) any other Republican document of any description granted or otherwise made under a Republican enactment.

(2) For the purposes of this section, the production of a copy of any part of a Republican enactment –

- (a) contained in any printed collection of enactments purporting to be printed and published by an authority of the Republic; or
 - (b) contained in any issue of the Official Gazette of the Republic; or
 - (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,
- shall be incontrovertible evidence in Court and for all purposes whatsoever of the due and lawful making of such enactment.

(3) For the purposes of this section, a version of any part of a Republican enactment in the English language –

- (a) purporting to be produced by any authority of the Republic; or
- (b) certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic; or
- (c) given or produced in the course of oral evidence of any person whom the Court considers to be a competent translator for the purpose; or
- (d) stated orally in Court or produced in writing by a Registrar or official Court interpreter,

may be held by the Court to be incontrovertible evidence for all purposes whatsoever that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question.

(4) For the purposes of this section, the production of –

- (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant Republican law under which the relevant document was made; or
- (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,

may be held by the Court to be incontrovertible evidence for all purposes of the contents of such document.

7. A Republican instrument which is adopted shall be treated for the purposes of section 7 of the Interpretation Ordinance as having been published in the Gazette on the date when the following conditions are first satisfied in relation to that instrument –

- (a) there is published in the Gazette –
 - (i) the name (in English) of the Republican instrument;
 - (ii) the date on which the Republican instrument came or is to come into force in the Republic;
 - (iii) the name of the Ordinance under which the Republican instrument was adopted;
 - (iv) the date on which the adopted instrument took or will take effect in the Areas; and
 - (v) the name of any Ordinance (other than of this Ordinance and of the Ordinance under which the Republican instrument was adopted) and of any public instrument made by the Administrator adapting or modifying the provisions of the Republican instrument; and

(b) the Republican instrument has been published in the Official Gazette of the Republic and a copy of that Gazette containing that instrument has been placed in the Legal Library of the Office of the Administrator.

Commencement.

8. This Ordinance shall come into force on the day of its publication in the Gazette.

25th April 2003

(128/87)

J.C.A. JARVIS CBE,

Chief Officer

Marginal Notes

1. Short title.
 2. Interpretation.
 3. Powers and duties.
 4. Effect of acts of officers of the Republic.
 5. Protection of officers of the Republic.
 6. Judicial notice and proving Republican legislation.
 7. Gazetting adopted instrument.
 8. Cap.1 (Laws of Cyprus).
 9. Commencement.
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