

ORDINANCE 9 OF 2005

**AN ORDINANCE
TO MAKE PROVISION FOR CERTAIN LEGISLATION
MADE BY THE REPUBLIC OF CYPRUS IN THE AREA OF
EDUCATION TO APPLY
IN THE SOVEREIGN BASE AREAS**

**P. T. C. Pearson CBE
ADMINISTRATOR**

15th March 2005.

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 Education Provisions Ordinance 2005. Short Title.

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

“education law” means any Law of the Republic which is listed in the Schedule and includes— Schedule.

- (a) any amendment made to such a Law (whenever enacted);
- (b) any public instrument made under such a Law (whenever enacted);
- (c) any amendment made to such a public instrument (whenever enacted);

“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 education law.

(2) Where an education law is repealed or revoked but is not replaced by the Republic it shall cease to have effect in the Areas.

Schedule.

(3) Where an education law is repealed and replaced by the Republic with another education law, the education law included in the Schedule shall continue to have effect in the Areas.

(4) Where a provision of an education law contains a reference to any other Republican legislation, then—

(a) if there is a provision of the Areas corresponding to that other Republican provision, the reference shall be construed as a reference to the corresponding provision of the Areas;

(b) in any other case, the provision of the education law containing that reference shall not have effect in the Areas.

(5) Any reference to the Republic in an education law shall be construed as a reference to the Areas.

(6) Any reference to a Court in an education law shall be construed as a reference to the Judge’s Court.

General
Application.

3.—(1) Subject to the other provisions of this Ordinance, all such rights, powers, liabilities, obligations and restrictions from time to time created or arising in the Republic by or under any education law and all such remedies and procedures from time to time provided for by or under such a law shall, subject to necessary modification and so far as possible, be recognised and available in law in the Areas and allowed and followed accordingly.

(2) If any provision of an education law is not in force in the Republic on the relevant date then subsection (1) shall not apply to that provision until such time as it is brought into force in the Republic.

(3) Subsection (1) shall not apply to any power or duty contained in an education law which permits or requires any person or body to make a public instrument of any kind.

(4) The “relevant date” means the date on which this Ordinance comes into force or, where an education law is subsequently added to the Schedule in accordance with an order made under section 9, the date that order comes into force.

Power of
Administrator to
make Orders.

4. The Administrator may by order to be published in the Gazette provide for the application of any education law in the Areas to be subject to such exceptions, adaptations or modifications as he may consider expedient in the circumstances.

Powers and
Duties.

5.—(1) Any power conferred or duty imposed on an officer of the Republic under any education law shall be deemed to be conferred or, as the case may be, imposed on the Chief Officer.

(2) Any power conferred or duty imposed on the Chief Officer by virtue of subsection (1) may, subject to any restrictions or conditions imposed by the Administrator under this subsection or under any order made under section 4, 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 education law.

(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.

(4) The authority given to an officer of the Republic under subsection (2) to exercise any power or to perform any duty shall in all cases be subject to the condition that the power may not be exercised or the duty performed if to do so it would be necessary for the officer of the Republic to enter—

- (a) any land occupied by the Crown in any capacity; or
- (b) any land to which access is controlled or restricted by the Crown in any capacity; or
- (c) any premises situated within any land such as is referred to in paragraph (b) above,

unless he has the written authority of the Administrator to enter the land or premises concerned.

6. Any power exercised or any duty performed by an officer of the Republic acting pursuant to section 5(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 5(1).

Effect of acts of officers of the Republic.

7. 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 5(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.

Protection of officers of the Republic.

8.—(1) A court of the Areas may take judicial notice of any education law and any other Republican document of any description granted or otherwise made under an education law.

Legal Proceedings.

(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 conclusive 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 an education law in the English language—

- (a) purporting to be produced by any authority of the Republic;
- (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 education law was published in the Republic;
- (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;

(d) stated orally in court or produced in writing by a Registrar or official court interpreter,

may in any of those cases be held by the Court to be conclusive evidence for all purposes whatsoever that such version is the accurate English version of the education law or part of the education law 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 education 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 conclusive evidence for all purposes of the contents of such document.

Power to amend
the Schedule.
Repeal.

9. The Administrator may by order amend the Schedule.

10. The following Ordinances are repealed—

Cap. 166 (Laws
of Cyprus) as
amended by
Ordinance 14/92.

(a) the Elementary Education Ordinance and any public instruments made under it;

Cap. 169 (Laws
of Cyprus) as
amended by
Ordinance 15/92.

(b) the Secondary Education Ordinance and any public instruments made under it;

Ordinance
25/2003.

(c) the Education and Training of Children with Special Needs Ordinance 2003.

Commencement.

11. This Ordinance shall come into force on a date to be appointed by the Administrator and published in the Gazette.

SCHEDULE (section 2(1))

EDUCATION LAWS

1. The Elementary Education Law, Cap. 166 Laws of Cyprus.
2. The Secondary Education Law, Cap. 169 Laws of Cyprus.
3. The Private Schools and Private Tuition Law 1971, No. 5(I)/71.
4. The Education and Training of Children with Special Needs Law 1999, No. 113(I)/1999.
5. The Schools Committee Law 1997, No. 108(I)/1997.
6. The Primary and Secondary Education (Compulsory Education and Provisions of Free Education) Law 1993, No. 24(I)/1993.

15th March 2005
(128/408)

P. D. Draycott
Chief Officer.
