

ORDINANCE 29 OF 2006

AN ORDINANCE TO AMEND THE MOTOR VEHICLES AND ROAD TRAFFIC (CONSOLIDATION) ORDINANCE 2006

R. H. LACEY
ADMINISTRATOR

21st December 2006.

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 Motor Vehicles and Road Traffic (Consolidation) (Amendment No. 2) Ordinance 2006.

Short title.

2. In this Ordinance—

“the principal Ordinance” means the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006.

Interpretation.
Ordinance 5/2006.

3. The principal Ordinance is amended by inserting immediately after section 31 the following—

Principal Ordinance amended by inserting new sections 32 - 35.

“Imposition of points

32.—(1) Without prejudice to the power of the Court to make an order under section 21, the Court before which a person is convicted of an offence referred to in the first column of the Schedule shall, unless there are special reasons, impose penalty points (“points”) within the range prescribed in the second and third columns of the Schedule.

(2) Where a person is convicted of more than one offence referred to in the Schedule which results from the same act or omission, the Court shall impose points only in respect of the offence which, in accordance with the third column of the Schedule, carries the higher number of points.

“Points when offence dealt with as fixed penalty.
Ordinance 5/98

33. A police officer who proposes to deal with an offence referred to in the first column of the Schedule in accordance with the Fixed Penalty Ordinance 1998,

shall in addition to the fixed penalty due in accordance with that Ordinance, order the imposition of points as follows-

- (a) the power is available only in respect of the offences listed in paragraphs 1,2,6,9,10,12 and 13 of the Schedule and where such offences are listed in the Second Schedule of the Fixed Penalty Ordinance 1998;
- (b) the points to be imposed are those set out in the second column of the Schedule;
- (c) the notice to be served in accordance with section 3(1) of the Fixed Penalty Ordinance 1998 shall additionally refer to the imposition of points in accordance with this section;
- (d) if the offer of a fixed penalty is accepted, the points shall be endorsed or recorded in accordance with section 34 below;
- (e) when presenting the fixed penalty notice for payment the offender shall additionally produce his licence to drive and, where such licence has been issued in accordance with this Ordinance, shall surrender the same to the police officer to whom the notice is presented for the purpose of endorsement of the said licence;
- (f) notwithstanding the provisions of the Fixed Penalty Ordinance 1998, no fixed penalty shall be offered where, with the imposition of the points for the present offence, the aggregate of the points accumulated by the offender (when calculated in accordance with section 35) will be equal to or will exceed the total number of points referred to in section 35 and any such notice which has been issued or served in contravention of this sub-section shall be void.

“Endorsement
and recording
of points

34.—(1) A person convicted of an offence to which section 32 applies shall produce his licence to drive to the Court prior to his being sentenced for that offence and, where such licence has been issued in accordance with this Ordinance, he shall surrender the same for the purpose of endorsement of the said licence.

(2) Without prejudice to subsection (7), the Court may, for the purposes of this section, rely on a record produced by the Chief Constable which has been compiled from the database maintained in accordance with subsection (5) and which has been duly authenticated by the Chief Constable, as evidence of any points previously imposed in accordance with sections 32 or 33.

(3) Where the licence to drive is one issued in accordance with this Ordinance, the following information shall be endorsed on the licence to drive –

- (a) the number of points imposed by the Court under section 32 or by a police officer under section 33;

- (b) the date of the offence;
- (c) the date of conviction or of the issue of the fixed penalty notice; and
- (d) a description of the offence committed.

(4) The endorsement in accordance with subsection (3) shall be carried out by the Areas Police Force on the date of conviction or issue of the fixed penalty notice or as soon as practicable thereafter.

(5) In addition to any endorsement of the licence to drive or in any case where such endorsement is not possible, the information referred to in subsection (3) shall be recorded in an electronic database established for this purpose by the Areas Police Force.

(6) An endorsement ordered on a person's conviction of an offence or acceptance of a fixed penalty notice remains effective until 3 years have elapsed since the commission of the offence or, where an order is made for the disqualification of the offender, until 3 years have elapsed since the date of conviction.

(7) Any person who fails or refuses, without reasonable excuse, to produce his licence to the Court in accordance with subsection (1) shall be guilty of an offence and on conviction shall be liable to imprisonment for a term of 1 year or to a fine of £1000 or to both such penalties.

“Disqualification
for 12 or more
points

35.—(1) Where a Court has convicted a person for an offence to which section 32 applies and it ascertains that the offender has accumulated, in the period of 3 years preceding the date of conviction for the present offence, 12 or more points (including the points liable to be imposed for the present offence) it shall have power, in addition to any other penalty provided, to order that the offender shall be disqualified from holding or obtaining a licence to drive for a period not exceeding the maximum period prescribed by subsection (2) below.

(2) The maximum period of disqualification referred to in subsection (1) shall be-

- (a) 6 months, if the offender has not been disqualified from holding or obtaining a licence to drive by an order of the Court within 5 years preceding the commission of the offence for which he has now been convicted;
- (b) 12 months, if within the 5 years preceding the commission of the offence for which he has been convicted the offender was disqualified from holding or obtaining a licence to drive following an order of the Court whether such disqualification was imposed as a result of subsection (1) or for any other reason.

(3) Where a person has been disqualified under this section, any points taken into consideration for the purposes of that disqualification will not be taken into

account for the purposes of calculating the number of points for any subsequent disqualification under this section.

(4) For the purpose of calculating the appropriate length of disqualification to be imposed in accordance with subsection (2) the Court shall have regard to any disqualification from holding or obtaining a licence to drive imposed by a Court of the Republic.”.

4. The principal Ordinance is amended by inserting immediately after section 35 the following Schedule –

**“SCHEDULE
PENALTY POINTS**

(section 32)

First Column	Second Column	Third Column
1. Speeding – exceeding or not complying with minimum or maximum limit by 25 – 50%. (Section 4 Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006, Ordinance 5/06).	2	4
2. Speeding – exceeding or not complying with minimum or maximum limit by more than 50%. (Section 4 Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006, Ordinance 5/06).	3	6
3. Reckless or dangerous driving. (Section 6 Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006, Ordinance 5/06).	3	6
4. Careless driving. (Section 7 Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006, Ordinance 5/06).	2	4
5. Driving under the influence of alcohol etc. (Section 8 Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006, Ordinance 5/06).	3	6
6. Non compliance with traffic signals. (Regulation 39(1)(m) Motor Vehicles and Road Traffic Regulations 1985, PI 35/85).	2	4
7. Causing death by reckless, rash or dangerous act. (Section 210, Criminal Code, Cap 154, Laws of Cyprus).	5	10
8. Abandoning place of accident without rendering assistance. (Section 235A Criminal Code, Cap 154, Laws of Cyprus).	5	10
9. Contravening requirements relating to silencer and expansion chamber. (Regulation 32(17) Motor Vehicles and Road Traffic Regulations 1985, PI 35/85).	2	4

10. Failure to use protective helmet – (a) outside a built up area; (b) within a built up area. (Regulation 40 Motor Vehicles and Road Traffic Regulations 1985, PI 35/85).	2 1	4 2
11. Failure to wear seat belt. (sections 6 & 8 Fitting and Wearing of Seatbelts Ordinance 1987, Ordinance 11/87).	2	5
12. Use of telephone with hands. (Regulation 39(5) Motor Vehicle and Road Traffic Regulations 1985, PI 35/85).	2	4
13. Violation of continuous white line marking. (Regulation 39(1)(k) Motor Vehicles and Road Traffic Regulations 1985, PI 35/85).	2	4

”.

5.—(1) The Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2006 shall have effect only in relation to the commission of any offence listed in the Schedule to that Ordinance which was committed between the date of commencement of that Ordinance and 20th December 2006.

Commencement
and repeal.

(2) The Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2006 is repealed with effect from the coming into force of this Ordinance.

(3) This Ordinance shall come into force on 21st December 2006.

21st December 2006
(SBA/AG/2/CR/216)

P. D. Draycott
Chief Officer.
