



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1464 of 10th July 2007
LEGISLATION

ORDINANCE 13 OF 2007

MOTOR VEHICLES AND ROAD TRAFFIC (CONSOLIDATION) (AMENDMENT)
ORDINANCE 2007

An Ordinance to amend the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006

R. H. LACEY

28th June 2007.

ADMINISTRATOR

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

1. Short title

This Ordinance may be cited as the Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2007.

2. Interpretation

In this Ordinance –

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

3. Amendment of section 2 of the principal Ordinance

(1) Section 2(1) of the principal Ordinance is amended by inserting in the appropriate alphabetical order the following definitions:

“ “appropriate authority” means the authority or body bearing the expense of repairing and maintaining the road in respect of which an offence is committed;

“disabled motor vehicle” means a motor vehicle which due to mechanical or some other reason cannot be driven on its own power or can only be driven on its own power in such a way that a law would be contravened;

“occupied area” in relation to a road means an area constituting public property that serves any requirements relating to a road, and includes any carriageway, hard shoulder, pavement, ditch, bridge, drain and any other structure relating to a road;

“motorway” means a road that is designated as a motorway under subsection (5); ”.

(2) Immediately after section 2(4) of the principal Ordinance there is inserted:

“(5) The Chief Officer may, by Order published in the Gazette, designate a road as a motorway.”.

4. Insertion of new sections 13A and 13B into the principal Ordinance

(1) Immediately after section 13 of the principal Ordinance there is inserted:

“13A. Chief Officer’s power to prohibit or regulate traffic by Order

- (1) The Chief Officer may, by Order published in the Gazette, prohibit or regulate the driving of any class of motor vehicle on any road for such period of time and in relation to such hours of the day as he may specify in the Order.
- (2) A person who contravenes an Order made under subsection (1) commits an offence and is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding £1000 or both.”.

(2) Immediately after section 13A of the principal Ordinance there is inserted:

“13B. Prohibitions regarding the use of motorways and motorway slip roads

- (1) A person may not without reasonable excuse:
 - (a) proceed on foot on the occupied area of a motorway or a motorway entry or exit slip road, or
 - (b) cause or permit an animal or cycle to proceed on the occupied area of a motorway or a motorway entry or exit slip road.
- (2) Subject to subsection (3), a motor vehicle may not proceed on a motorway or motorway entry or exit slip road unless it is constructed in such a way that it can maintain a speed of sixty-five kilometres per hour.
- (3) The Chief Constable may permit any motor vehicle to proceed on a motorway or motorway entry or exit slip road, subject to such conditions as he may consider expedient for the purpose of ensuring road safety.
- (4) The conditions referred to at subsection (3) may include conditions as to time, place, traffic direction and the placing of signs on the motor vehicle or any accompanying motor vehicle.
- (5) A person who contravenes this section commits an offence and is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding £1000 or both.”.

5. Insertion of new section 14A into the principal Ordinance

Immediately after the section 14 of the principal Ordinance there is inserted:

“14A. Abandoning disabled motor vehicles

- (1) A person may not abandon a disabled motor vehicle on the occupied area of a road for a period longer than the shortest period reasonably required for the lawful removal of that motor vehicle.
- (2) A person who contravenes this section commits an offence and is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding £1000 or both.
- (3) In addition to imposing a penalty or penalties under subsection (2), a court may order a person who commits an offence under this section to pay to the appropriate authority an amount of money adequate to cover the expenses of cleaning or restoring the occupied area of the road that has been affected.”.

6. Insertion of new section 16A into the principal Ordinance

Immediately after section 16 of the principal Ordinance there is inserted:

“16A. Using or carrying substances in a dangerous manner

- (1) A person may not use or carry, including in or on any motor vehicle, any substance in a dangerous manner.
- (2) For the purpose of subsection (1), “substance” can include cement plaster, stone, gravel, plaster, lime and any combination of these.
- (3) For the purpose of subsection (1), “dangerous manner” means in such a way that it is reasonably foreseeable that a fall, leak or spill could occur, and that such fall, leak or spill could render a road slippery or otherwise dangerous.
- (4) A person who contravenes this section commits an offence and is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding £1000 or both.
- (5) In addition to imposing a penalty or penalties under subsection (4), a court may order a person who commits an offence under this section to pay to the appropriate authority an amount of money adequate to cover the expenses of cleaning or restoring the occupied area of the road that has been affected.”.

7. Amendment of section 29 of the principal Ordinance

Section 29 of the principal Ordinance is amended by numbering the existing paragraph as subsection (1) and inserting immediately after subsection (1) the following:

- “(2) A driving licence which is valid in the Republic will be valid in the Areas to the same extent and subject to the same conditions and restrictions as provided in Republican Law 94/2004(I) 2001 and 60(I)/2004 as may be amended from time to time.”.

8. Amendment of section 33 of the principal Ordinance

Section 33 (a) of the principal Ordinance is amended by inserting the number “11” between the numbers “10” and “12”.

9. Commencement

- (1) This Ordinance, with the exception of section 4 (2), comes into force on the day it is published in the Gazette.
- (2) Section 4(2) of this Ordinance comes into force on the day an Order is made under section 2(5) of the principal Ordinance.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This note relates to the Motor Vehicle and Road Traffic (Consolidation) (Amendment) Ordinance 2007. The note has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

The Ordinance

3. The Ordinance amends the Motor Vehicle and Road Traffic (Consolidation) Ordinance 2006 by adding four new sections and amending three existing sections.
4. The new section 13A allows the Chief Officer to make an Order prohibiting or regulating the driving of any class of vehicle on any road for a limited period of time, to be specified in the Order.
5. The new section 13B imposes prohibitions and creates offences relating to the use of motorways. Pedestrians, pedal cycles and animals are banned in all circumstances from proceeding on a motorway or a motorway entry or exit slip road. Also banned is any motor vehicle that is incapable of maintaining a speed of 65 kilometres per hour. The exception to this is where it is expressly permitted by the Chief Constable. Such permission may be granted subject to conditions.
6. The new sections 13A, 14A and 16A apply in relation to all roads, including motorways. Section 14A bans, amongst other things, the abandonment of a broken down vehicle on the hard shoulder of a motorway for any longer than the shortest time reasonably required to remove it lawfully.
7. The amendment to section 29 provides that a driving licence which may be validly used in the Republic of Cyprus will also be valid in the Areas, subject to the same conditions and restrictions that apply in the Republic. The amendment to section 33 adds the offences of failing to fit or wear a seat belt to the list of offences which may be dealt with by a police officer issuing a fixed penalty notice.
8. Section 9 of the Ordinance makes provision for split commencement dates. With the exception of section 4 (2), all the provisions of the Ordinance come into force on the day the Ordinance is gazetted. Section 4(2), which inserts section 13B into the principal Ordinance, does not come into force until the Chief Officer makes an Order designating a road as a motorway.