
**MOTOR VEHICLES AND ROAD TRAFFIC (CONSOLIDATION (AMENDMENT) (NO. 2)
ORDINANCE 2008**

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

J. H. GORDON
ADMINISTRATOR

28th November 2008.

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)(No. 2) Ordinance 2008.

2. Interpretation

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

3. Amendment of the principal Ordinance

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

“built-up area” means an area described in section 4(8);

“traffic sign” means any object or device (whether fixed or portable) or any sign, mark, symbol or line on or near a road or inscribed on the road surface for conveying to traffic in general or any specified description of traffic, warnings, information, requirements, restrictions or prohibitions of any description.

(2) Section 3(c) of the principal Ordinance is repealed.

(3) Section 4 of the principal Ordinance is repealed and replaced as follows—

“4. Speed limits for roads

- (1) A person must not drive a motor vehicle on a road at a speed in excess of the speed limit applicable to that road as prescribed by subsections (2) and (3).
- (2) Unless otherwise fixed under subsection (3), the speed limit applicable to a road is—
 - (a) 50 kilometres per hour on a road within a built up area;
 - (b) 100 kilometres per hour on a motorway; and
 - (c) 80 kilometres per hour on any other road.
- (3) The Chief Officer may, by Order published in the Gazette, fix for a road a speed limit which is—
 - (a) 65 kilometres per hour or less for a road within a built up area;
 - (b) less than 100 kilometres per hour for a motorway;
 - (c) less than 80 kilometres per hour for any other road.
- (4) A person must not drive a motor vehicle on a motorway at a speed of less than 65 kilometres per hour unless—
 - (a) it is unsafe to drive at more than that speed; or
 - (b) such speed is fixed under subsection 3(b).
- (5) The Chief Officer—
 - (a) must erect and maintain traffic signs in positions affording adequate guidance to drivers of motor vehicles as to any speed limit fixed for a road under subsection (3); and
 - (b) may erect and maintain traffic signs in positions which serve the purpose of securing that adequate guidance is given to drivers of motor vehicles as to the speed limit applicable to a road under subsection (2).
- (6) Speed limits indicated on traffic sign are to be expressed in kilometres per hour, and no unit of measurement need be indicated.
- (7) Where a speed limit is fixed for a road under subsection (3), a person must not be convicted of an offence under subsection (4) unless that limit is indicated by traffic signs in accordance with subsection (5)(a).
- (8) The Chief Officer may, by Order published in the Gazette, designate any area of any village or of any military cantonment or camp as a built up area.
- (9) A person who contravenes subsection (1) or (4) commits an offence and is liable to imprisonment for 1 year or to a fine of €1,708 or to both.

4A. Speed limits for types of vehicles

- (1) The Chief Officer may, by Order published in the Gazette, fix the maximum speed limit in respect of any specified type of motor vehicle.
- (2) If the Chief Officer makes an Order under subsection (1), he may, by the same or a separate Order, impose requirements for either or both of the following purposes—
 - (a) to require that the fixed maximum speed must be marked in a specified manner on vehicles of the relevant type; or
 - (b) to require that a prescribed device must be installed on vehicles of the relevant type to prevent the vehicle exceeding the speed fixed for that type.

- (3) A person must not drive on a road a motor vehicle of a type subject to an Order under subsection (1)—
 - (a) at a speed in excess of the maximum speed limit fixed by the Order, or
 - (b) when a requirement imposed under subsection (2) is not complied with in respect of that vehicle.
- (4) A person who contravenes subsection (3) commits an offence and is liable to a term of imprisonment for 1 year or to a fine of €1,708 or to both.

4B. Exemption for fire, ambulance and Crown vehicles

The speed limits imposed by sections 4 and 4A do not apply to a driver of a motor vehicle if the observance of those limits would be likely to hinder the proper use of the vehicle—

- (a) by a Fire Service as defined in the Fire Services Ordinance 1968;
- (b) as an ambulance; or
- (c) in an emergency, by the Crown in any capacity on official business.

4C. Driving at dangerous speed

- (1) A person must not drive a motor vehicle on a road at a speed which is dangerous having regard to all the circumstances, including—
 - (a) the nature, condition and use of the road, and
 - (b) the amount of traffic which is, or might reasonably be expected to be, on the road.
- (2) For the purpose of subsection (1), a speed is dangerous if it is likely to—
 - (a) endanger human life;
 - (b) cause harm or injury to a person; or
 - (c) cause damage to property.
- (3) A person who contravenes subsection (1) commits an offence and is liable to a term of imprisonment for 2 years or to a fine of €2,562 or to both.”.

4. Commencement

This Ordinance comes into force on the day on which it is published in the Gazette.

Notes

- (a) Ordinance 5/2006. Section 33 was inserted by section 3 of the Motor Vehicles and Road Traffic (Consolidation) (Amendment No. 2) Ordinance 2006 (Ordinance 29 of 2006). Section 33 was amended by section 8 of the Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2007 (Ordinance 13 of 2007).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Motor Vehicles and Road Traffic (Consolidation) (Amendment)(No. 2) Ordinance 2008 (the “Ordinance”). It 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.

Particular points

3. The Ordinance makes amendments to sections 2, 3 and 4 of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006 (the “Principal Ordinance”).
4. Section 4(2) of the Principal Ordinance (as amended by the Ordinance) provides that unless otherwise fixed, the speed limit applicable to a particular road is:
 - 50 kilometres per hour in a built up area;
 - 100 kilometres per hour on a motorway; and
 - 80 kilometres per hour on any other road.
5. The Chief Officer may, by an order published in the Gazette, designate any area of any village or any military cantonment to be a built up area (section 4(8)).
6. The Chief Officer has a power to make an order setting different speed limits. The speed limits must not exceed:
 - 65 kilometres per hour in a built up area;
 - 100 kilometres per hour on a motorway; and
 - 80 kilometres per hour on any other road.

(SBA/AG/2/AM/216)