
EUROPEAN COMMUNITY (PROTOCOL MEASURES) (AMENDMENT) ORDINANCE 2009

An Ordinance to amend the European Community (Protocol Measures) Ordinance 2004

J. H. GORDON
ADMINISTRATOR

5th March 2009.

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 European Community (Protocol Measures) (Amendment) Ordinance 2009.

2. Section 3 of the European Community (Protocol Measures) Ordinance 2004 amended

Section 3 (General Application) of the European Community (Protocol Measures) Ordinance 2004(a) is amended by-

- (a) numbering the existing text as subsection (1);
- (b) repealing “obligations” in subsection (1) and replacing it with “duties”;
- (c) inserting the following new subsections (2) and (3)-
 - “(2) Any powers conferred and duties imposed of a public nature that are recognised and available in law in accordance with subsection (1) are conferred or, as the case may be, imposed on the Chief Officer.
 - (3) Any power conferred or duty imposed on the Chief Officer by virtue of subsection (2) that arises under the Protocol measures referred to in section 2(c) (excluding fisheries measures) or section 2(d) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b).”.

3. Commencement

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

Notes

- (a) Ordinance 11/04.
- (b) Ordinance 17/07.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the European Community (Protocol Measures) (Amendment) Ordinance 2009 (“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 amends the European Community (Protocol Measures) Ordinance 2004 by adding a new section 3(2) and (3) concerned with delegation to the Republic. Delegated functions are ones which may be carried out in the Areas by an officer of the Republic on whom a corresponding function is placed under Republican law. The Delegation of Functions to the Republic Ordinance 2007 sets out the effects and limits of delegation.
4. Delegation under section 3(3) applies to directly applicable EU law in the field of agriculture (except fisheries) and veterinary and phytosanitary measures. This complements the position under domestic law as Republic of Cyprus legislation in these fields has already been adopted in the Areas and delegated to the Republic under the Agricultural Provisions Ordinance 2007 (Ordinance 9/07).