
EMPLOYMENT RIGHTS (PART-TIME EMPLOYEES) (AMENDMENT) ORDINANCE 2009

An Ordinance to amend the Employment Rights (Part-time Employees) Ordinance 2002

J. H. GORDON
ADMINISTRATOR

1st April 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 Employment Rights (Part-time Employees)(Amendment) Ordinance 2009.

2. Section 2 of the Employment Rights (Part-time Employees) Ordinance 2002 amended

In the Employment Rights (Part-time Employees) Ordinance 2002(**a**) (“the principal Ordinance”), the following definition is inserted into section 2 (Interpretation) in the appropriate alphabetical order:

““Crown” means Her Majesty in right of Her Government in the United Kingdom, and in right of Her Administration in the Sovereign Base Areas;”.

3. Section 4 amended

(1) In section 4(2)(a) of the principal Ordinance, (Scope of application) “as prescribed by regulations” is repealed.

(2) Section 4(3) of the principal Ordinance is repealed, and replaced by:

“For the purposes of this section, “work on a casual basis” means, in relation to part-time work for any given employer:

- (i) work for no more than 8 weeks per calendar year, of which no more than 3 are consecutive; or
- (ii) work for no more than 5 hours in any week.”.

4. New sections 14A and 14B inserted

After section 14 of the principal Ordinance, two new sections are inserted as follows:

“14A. Delegation of Functions

The duties imposed, and powers conferred, by sections 6(3) and (4), 10 (1) and (3) and 13 are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007**(b)**.

14B. Application to the Crown

- (1) With the exception of section 12, and subject to subsection (2), this Ordinance binds the Crown.
- (2) This Ordinance does not bind the Crown in relation to its employment of:
 - (a) a member of Her Majesty’s Forces,
 - (b) a member of a Civilian Component as defined in paragraph 1(b) of section 1 of Annex C of the Treaty of Establishment, or
 - (c) a person enjoying the rights and facilities of members of Her Majesty’s Forces by virtue of paragraph 3 of section 9 of Part 2 of Annex B of the Treaty of Establishment, other than as a dependant.
 - (d) Any other group that the Chief Officer might specify by Order published in the Gazette.” .

5. Commencement

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

Notes

- (a) Ordinance 25/02.
- (b) Ordinance 7/07.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This note relates to the Employment Rights (Part-time Employees)(Amendment) Ordinance 2009. 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 Employment Rights (Part-time Employees) Ordinance 2002 by providing a definition of “part-time employees who work on a causal basis”. This has the effect of providing certainty as to which part-time employees are to be excluded from the scope of the Ordinance, and ensuring that this is the same group of employees as are excluded from the scope of the equivalent legislation in the Republic.
4. The Ordinance also follows modern drafting practice in making it clear on the face of the 2002 Ordinance that certain powers and duties have been delegated to the Republic of Cyprus under the Delegation of Functions to the Republic Ordinance 2007, so making it easy for users of the 2002 Ordinance to see exactly which functions have been delegated.
5. Finally, the Ordinance applies the 2002 Ordinance to the Crown SBAA and Crown BFC, subject to two exceptions; it does not apply to the Crown’s employment of members of the British service community (with the exception of locally engaged dependants), nor to the provision that makes it a criminal offence for an employer to breach the Ordinance.

