
CONTROL (ENTRY, SETTLEMENT AND COMMERCIAL ENTERPRISES)
(AMENDMENT) ORDINANCE 2009

An Ordinance to amend the Control (Entry, Settlement and Commercial Enterprises) Ordinance, 1960

J. H. GORDON
ADMINISTRATOR

20th July 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 Control (Entry, Settlement and Commercial Enterprises) (Amendment) Ordinance 2009.

2. Interpretation

In this Ordinance, “the principal Ordinance” means the Control (Entry, Settlement and Commercial Enterprises) Ordinance, 1960**(a)**.

3. Section 2 amended

Section 2 (Interpretation) of the principal Ordinance is amended as follows:

- (a) in the definition of “approved port”, by repealing “notification” and replacing it with “notice”;
- (b) by repealing the definition of “authorised service organisation” and replacing it with the following -
 ““authorised service organisation” has the same meaning as in Annex B Part I of the Treaty of Establishment;”;
- (c) by inserting the following definitions in the appropriate alphabetical place -
 ““the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas;
 “dependant” has the same meaning as “dependent” in Annex B Part I of the Treaty of Establishment;”;

- (d) in the definition of “recognised resident” –
 - (i) by repealing “Her Majesty” in paragraph (b) and replacing it with “the Crown”; and
 - (ii) by repealing “member of the family or household of a person to whom paragraphs (a) or (b) of this definition applies” in paragraph (c) and replacing it with “dependant of a person to whom paragraph (a) or (b) applies”.

4. Section 5 amended

Section 5(1) (Prohibited immigrants) of the principal Ordinance is amended as follows:

- (a) by repealing paragraph (b); and
- (b) by repealing “Her Majesty” and “Her Majesty’s” in paragraph (g) and replacing them with “the Crown” and “the Crown’s” respectively.

5. Section 7 amended

Section 7 (Certain persons to enter freely) of the principal Ordinance is amended as follows:

- (a) by repealing “Her Majesty” in paragraph (c) and replacing it with “the Crown”;
- (b) by repealing “any member of a civilian component of” in paragraph (d) and replacing it with “a person employed by”;
- (c) by repealing “wife” in paragraph (e) and replacing it with “spouse”.

6. Section 18 amended

Section 18(2) (Recognised resident list) of the principal Ordinance is amended as follows:

- (a) by repealing “Her Majesty” in paragraph (b) and replacing it with “the Crown”; and
- (b) by repealing “members of the family or household” in paragraph (c) and replacing it with “dependants”.

7. Section 20 amended

Section 20 (Restriction on residence in the Areas) of the principal Ordinance is repealed and replaced with the following:

“20. Restriction on residence in the Areas

A person other than a recognised resident must not reside in the Areas for more than 28 days in any consecutive period of 12 months, except in accordance with a permit in writing issued by a Control Officer and subject to any conditions which may be attached to it.”

8. Repeals

The Control (Entry, Settlement and Commercial Enterprises) (Amendment) Ordinance, 1971**(b)** is repealed.

9. Commencement

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

Notes

- (a)** Ordinance 5/60.
- (b)** Ordinance 5/71.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Control (Entry, Settlement and Commercial Enterprises) (Amendment) Ordinance 2009. 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 two main amendments to the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960 in relation to recognised residents of the Areas.

4. Firstly, the restriction on residence in the Areas is amended so that all recognised residents are exempt from it. This is essentially a return to the position before the Control (Entry, Settlement and Commercial Enterprises) (Amendment) Ordinance 1971, but taking account of the amended definition of “recognised resident” substituted by the Control (Entry, Settlement and Commercial Enterprises) (Amendment) Ordinance 1982. The 1971 Ordinance is repealed.

5. Secondly, references to “members of the family or household” are replaced by references to “dependants”. The term “dependants” is preferable as it reflects the wording of the Treaty of Establishment and is consistent with other legislation.

6. The opportunity has also been taken to modernise the definition of “prohibited immigrant” by removing “any idiot or insane or feeble-minded person...” from that definition.

7. Finally, some minor drafting improvements have been made to the 1960 Ordinance. These include amending the definition of “authorised service organisation”, replacing references to “Her Majesty” with “the Crown”, and replacing “wife” with “spouse”.