



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1575 of 8th April 2010**  
**LEGISLATION**

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**PLACES OF ENTERTAINMENT (AMENDMENT) ORDINANCE 2010**

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An Ordinance to amend the Places of Entertainment Ordinance 1999  
and to provide for related matters

**J. H. GORDON**  
**ADMINISTRATOR**

*23rd March 2010.*

**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 Places of Entertainment (Amendment) Ordinance 2010.

**2. Interpretation**

In this Ordinance, the “principal Ordinance” means the Places of Entertainment Ordinance 1999(a).

**3. Section 2 (Interpretation) amended**

Section 2 of the principal Ordinance is amended by inserting the following definitions in the appropriate alphabetical order—

““corresponding Republican Law” means the Places of Entertainment Law 1985(b) of the Republic and any law that amends or replaces it;”,

““good character” has the meaning provided by section 5A;” and

““police officer” has the same meaning as in the Police Ordinance 2007(c);”.

**4. Section 5 (Licences) amended**

Section 5(3) of the principal Ordinance is amended by inserting the following after paragraph (d)—

“and (e) the applicant is of good character;”.

**5. New section 5A (Good character) inserted**

After section 5 of the principal Ordinance there is inserted the following—

**“5A. Good character**

- (1) A person is of good character if none of the criteria in the Schedule applies to him.
- (2) In order to determine whether a person is of good character, the Chief Officer may do either or both of the following—
  - (a) require the person to produce a certificate issued by the Republican Chief of Police under section 16 of the corresponding Republican Law;
  - (b) request the Chief Constable to provide information about any relevant convictions, which the Chief Constable may then provide.”.

**6. Section 6 (Revocation of licence) amended**

Section 6 of the principal Ordinance is amended by inserting the following at the end of subsection (1)—

- “(c) the licence was obtained by fraud or by making a false representation or by concealing a material fact;
- (d) a condition to which the licence is subject is not fulfilled; or
- (e) the licensee is not of good character.”.

**7. Section 10 (Prices and price lists of places of entertainment) amended**

- (1) Section 10(1) of the principal Ordinance is amended by repealing “by order”.
- (2) Section 10(2) of the principal Ordinance is amended by repealing “For the purposes of this subsection the licensee may incorporate in his fixed prices the prescribed percentage amount referred to in section 11.”.

**8. Section 11 (Surcharge) repealed**

- (1) Section 11 of the principal Ordinance is repealed.
- (2) The Order dated 9 July 2001(d) made under section 11 of the principal Ordinance is revoked.

**9. Section 13 (Management) amended**

- (1) Section 13(3) of the principal Ordinance is amended by repealing paragraphs (a) and (b) and replacing them with—
  - “(a) (i) be a graduate of a recognised hotel and catering school or a vocational school of tourism and be knowledgeable in food and drinks,
  - (ii) be the holder of a leaving certificate from a secondary education school and have had at least 1 year’s experience in catering work, or
  - (iii) possess at least 3 years’ experience in catering or similar work which is considered adequate by the Chief Officer, and
  - (b) be of good character.”.
- (2) Section 13(3)(c) of the principal Ordinance is repealed.

- (3) Section 13(4) is amended by repealing “subsection (3)(a) above” and replacing it with “sub-paragraph (3)(a)(i)”.

#### **10. Section 15 (Offences and penalties) amended**

Section 15(1) of the principal Ordinance is amended by inserting the following after paragraph (c)—

“or (d) operates a place of entertainment which is not managed in accordance with section 13,”.

#### **11. New section 16A (Entry of young persons) inserted**

After section 16 of the principal Ordinance there is inserted the following—

##### **“16A. Entry of young persons**

- (1) This section applies only to—
  - (a) beer houses and bars; and
  - (b) live music and dancing places.
- (2) A person under the age of 17 (a “young person”) must not enter, or remain in, a beer house or bar unless they are accompanied by a parent or guardian.
- (3) A young person must not enter a live music and dancing place.
- (4) The licensee of a place of entertainment must ensure that access is effectively controlled so as to prevent young persons from entering in contravention of this section.
- (5) The manager of a place of entertainment, and any person for the time being responsible for controlling access, must take all reasonable steps to prevent young persons from entering in contravention of this section.
- (6) The licensee, the manager and any person for the time being responsible for controlling access must not knowingly tolerate the presence in a place of entertainment of a young person in breach of this section.
- (7) A person who fails to comply with subsection (2), (3), (4) or (5) commits an offence and is liable to imprisonment for 3 months or a fine of €1,708 or both.
- (8) A person who fails to comply with subsection (6) commits an offence and is liable to a fine of €854.
- (9) A police officer may enter a place of entertainment and require any person in there who appears to them to be a young person to produce documentary evidence of their age.”.

#### **12. New sections 24 (Delegation of functions to the Republic) and 25 (Legal proceedings) inserted**

After section 23 of the principal Ordinance there is inserted the following—

##### **“24. Delegation of functions to the Republic**

The functions placed on the Chief Officer, and on the Area Officer, by sections 3, 5, 5A, 6, 7, 10, 12, 13, 19 and 20 are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(e).

##### **25. Legal proceedings**

- (1) A court of the Areas may take judicial notice of Republican law and of any Republican document granted or otherwise made under Republican law.
- (2) For the purposes of this section, the production of a copy of any part of a Republican enactment—

- (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic;
- (b) contained in an issue of the Official Gazette of the Republic; or
- (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,

is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawful making of that law.

- (3) For the purposes of this section, a version of any part of a Republican enactment in the English language—

- (a) purporting to be produced by an authority of the Republic;
- (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic;
- (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose; or
- (d) stated orally in court or produced in writing by a Registrar or official court interpreter,

may in any of those cases be held by the Court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican law or part of it in question.

- (4) For the purposes of this section, the production of—

- (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made, or
- (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,

may be held by the Court to be conclusive evidence for all purposes of the contents of such document.”.

### **13. New schedule inserted**

At the end of the principal Ordinance there is inserted the following Schedule—

#### **“SCHEDULE**

#### **(Section 5A)**

#### **GOOD CHARACTER**

A person is of good character if none of the criteria in the following paragraphs applies to him.

1. The person has been convicted at any time of an offence under sections 144 to 177 (offences against morality) or 203 (premeditated murder) of the Criminal Code(f) or of an equivalent offence (however that offence is described) in any other jurisdiction.

2. The person has been convicted within the last 10 years of any of the following offences, or of an equivalent offence (however that offence is described) in any other jurisdiction—

- (a) stealing contrary to sections 255 to 272 of the Criminal Code;

- (b) robbery contrary to sections 282 to 286 of the Criminal Code;
- (c) obtaining goods by false pretences contrary to section 298 of the Criminal Code;
- (d) cheating contrary to section 300 of the Criminal Code;
- (e) obtaining credit by false pretences contrary to section 301 of the Criminal Code;
- (f) conspiracy to defraud contrary to section 302 of the Criminal Code;
- (g) making a false document contrary to section 333 of the Criminal Code;
- (h) uttering a false document contrary to section 339 of the Criminal Code;
- (i) any offence under the Narcotic Drugs and Psychotropic Substances (Consolidation) Ordinance 2006(g);
- (j) any offence under the Violence in the Family Ordinance 2003(h); or
- (k) any offence under the Human Trafficking and Exploitation Ordinance 2009(i).

3. In relation to an offence other than those specified in paragraphs 1 and 2, the person has been sentenced (in any jurisdiction) in the last 5 years to a term of imprisonment of more than 12 months.”.

#### 14. Repeals

- (1) Section 56A of the Children Ordinance(j) is repealed.
- (2) The Children (Amendment) Ordinance 1999(k) is repealed.

#### 15. Commencement

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

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#### Notes

- (a) Ordinance 2/99.
- (b) Law No. 29/85, Republic of Cyprus.
- (c) Ordinance 6/07.
- (d) Public Instrument 42/01.
- (e) Ordinance 17/07.
- (f) Cap. 154, Statute Laws of Cyprus revised edition 1959 as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (g) Ordinance 16/06.
- (h) Ordinance 21/03.
- (i) Ordinance 25/09.
- (j) Cap 352, Statute Laws of Cyprus revised edition 1959 as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (k) Ordinance 23/99, which inserted section 56A into the Children Ordinance.

## EXPLANATORY NOTE

**(This note does not form part of the Ordinance)**

### Introduction

1. This explanatory note relates to the Places of Entertainment (Amendment) Ordinance 2010 (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 Places of Entertainment Ordinance 1999, broadly replicating the effects of amendments made to the equivalent Republican legislation by the Republican Places of Entertainment (Amendment) Laws 151(I)/2005 and 65(I)/2007.

4. There are new requirements for both the licensee and the manager of a place of entertainment to be of “good character” (amendments to sections 5 and 13). Further, a licence may be revoked if the licensee ceases to be of good character, or if a condition of the licence is not fulfilled, or if the licence was fraudulently obtained (amendment to section 6).

5. A person is of “good character” if, within the specified time periods, they have not been convicted of any of the offences listed in the new Schedule or sentenced to a term of imprisonment of more than 12 months (new subsection 5A and Schedule). The Schedule sets out various offences under SBA law, but also covers equivalent offences and sentences of imprisonment in other jurisdictions, which includes the Republic. Section 7(1)(d) of the Rehabilitation of Offenders Ordinance 2009 (Ordinance 11/09) prevents that Ordinance from having effect in relation to these requirements, so convictions which would otherwise be “spent” under that Ordinance are still taken into account when considering whether a person is of good character for the purpose of the Places of Entertainment Ordinance.

6. In determining whether a person is of good character, the Chief Officer (or Republican official exercising delegated functions) may require the person to produce a certificate issued by the Republican Police under the equivalent Republican legislation and may make enquiries with the SBA Police as to any relevant convictions. A Court of the Areas may take judicial notice of the equivalent Republican provisions and any Republican document issued under them (new section 25).

7. Persons under the age of 17 are prohibited from entering live music and dancing places and are only permitted to enter beer houses and bars if accompanied by a parent or guardian (new section 16A). There are new duties on licensees, managers and door staff to control entry, and a police officer may require a person who appears to be under the age of 17 to produce documentary evidence of age. The new section 16A supersedes section 56A of the Children Ordinance, which is repealed.

8. The words “by order” are repealed from section 10(1) so that there is no requirement for the determination of prices to be by public instrument.

9. The surcharge of up to 3%, which a licensee was previously liable to add to every bill and remit to the Chief Officer, is abolished (section 11 repealed).

10. Finally, a provision dealing with delegation of functions to the Republic has been inserted into the principal Ordinance (new section 24). This supersedes the previous deemed delegations under section 24 of the Delegation of Functions to the Republic Ordinance 2007.