



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1597 of 18th October 2010**  
**LEGISLATION**

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**MOTOR VEHICLES (OPERATOR LICENCES) ORDINANCE 2010**

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An Ordinance to require certain undertakings providing road transport services and the vehicles used in providing those services to be licensed and for related matters.

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

*14th October 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 Motor Vehicles (Operator Licences) Ordinance 2010.

**2. Interpretation**

In this Ordinance—

“corresponding Republican Law” means the Admission to the Occupation of Road Haulage or Road Passenger Transport Operator Law of 2001(a);

“international transport” does not include transport between the Areas and the Republic;

“lorry” means a lorry with a maximum gross permitted weight equal to or greater than 3,500 kilograms;

“member State” means a member State of the European Union;

“officer of the Republic” means a person (other than a member of any police force or customs department of the Republic) who has any powers conferred or any duties imposed upon that person of a public nature by or under the corresponding Republican Law;

“passenger vehicle” means a vehicle constructed and equipped so as to be suitable for carrying more than 9 persons (including the driver);

“police officer” means a member of the Sovereign Base Areas Police Service;

“relevant operator” means a road haulage operator or a road passenger transport operator as the case may be;

“relevant operator’s licence” means a road haulage operator’s licence or a road passenger transport operator’s licence as the case may be;

“road haulage operator” means any undertaking transporting goods for hire or reward by means of either a self-contained motor vehicle or a combination of coupled vehicles;

“road haulage operator’s licence” means a licence issued under section 5 of the corresponding Republican Law permitting the holder to carry on the profession of road haulage operator for—

- (a) international road transport; or
- (b) inland road transport;

“road passenger transport operator” means any undertaking operating, by means of a passenger vehicle, passenger transport services for the public or for specific categories of user for hire or reward;

“road passenger transport operator’s licence” means a licence issued under section 5 of the corresponding Republican Law permitting the holder to carry on the profession of road passenger transport operator for—

- (a) international road transport; or
- (b) inland road transport;

“undertaking” means any natural or legal person whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent on an authority having legal personality.

### **3. Requirement for road haulage operator and road passenger transport operator to be licensed**

- (1) Subject to subsection (4), an undertaking must not—
  - (a) act as a road haulage operator without holding a road haulage operator’s licence; or
  - (b) act as a road passenger transport operator without holding a road passenger transport operator’s licence.
- (2) A relevant operator must obey any conditions stated on the relevant operator’s licence which it holds.
- (3) A relevant operator must display the relevant licence in a prominent place in the premises from which the undertaking is carried on.
- (4) An undertaking does not require a relevant licence for any of the following specified purposes—
  - (a) when carrying on its business using a vehicle (other than a passenger vehicle) with a maximum gross permitted weight of less than 3,500kg;
  - (b) when using a lorry which has been manufactured or adapted to carry out work other than haulage;
  - (c) when engaged in inland road transport of—
    - (i) mail;
    - (ii) ready concrete;
    - (iii) water;
    - (iv) milk;
    - (v) effluent;
    - (vi) refuse;
    - (vii) litter bins; or
    - (viii) broken down or damaged vehicles as part of a repair service;
  - (d) when transporting medical and other supplies and equipment during an emergency for the purpose of dealing with that emergency;

- (e) when engaged in road passenger transport—
  - (i) on payment of a fare by a passenger on a fixed rural route; or
  - (ii) by taxi.
- (5) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to imprisonment for 1 year or a fine of €3,417 or both.

#### **4. Lorries to have “A” licence or “D” licence**

- (1) Subject to section 6 and subsections (3) and (4), a road haulage operator must not use a lorry for road haulage unless there has been issued—
  - (a) in respect of a lorry used for inland road haulage, an “A” licence under section 13 of the corresponding Republican Law; or
  - (b) in respect of a lorry used for international transport of goods by road, a “D” licence under section 13A of the corresponding Republican Law.
- (2) A person must not use a lorry in breach of a condition imposed on the “A” licence or the “D” licence (as the case may be) issued in respect of that lorry.
- (3) Subsection (1) does not apply to a lorry used for any of the purposes specified in section 3(4)(a) to (d).
- (4) Subsection (1)(b) does not apply in respect of a lorry if the following conditions apply—
  - (a) the total permitted laden weight of the lorry, including its trailer does not exceed 6 tonnes or its permitted carrying capacity, including its trailer, does not exceed 3.5 tonnes;
  - (b) the undertaking which operates the lorry also owns the goods which the lorry transports or those goods have been sold, purchased, leased, produced, mined, processed or repaired by that undertaking;
  - (c) the lorry is used to dispatch goods to, from or within the premises of the undertaking or elsewhere on account of the undertaking;
  - (d) the lorry is driven by the personnel of the undertaking;
  - (e) the lorry is owned by the undertaking or hired to it in accordance with section 6 or is a temporary replacement for such a lorry; and
  - (f) the transport activities of the undertaking are ancillary to its main activities.
- (5) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to imprisonment for 1 year or a fine of €3,417 or both.

#### **5. Passenger vehicles to have “E” Licence**

- (1) Subject to subsection (3) a road passenger transport operator must not use a passenger vehicle unless there has been issued in respect of that vehicle an “E” licence under section 15 of the corresponding Republican Law.
- (2) A person must not use a passenger vehicle in breach of a condition imposed on the “E” licence issued in respect of that passenger vehicle.
- (3) Subsection (1) does not apply to a passenger vehicle used for any of the purposes specified in section 3(4)(e).
- (4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to imprisonment for 1 year or a fine of €3,417 or both.

#### **6. Use of hired vehicles by road haulage operator**

- (1) A road haulage operator may operate a lorry without complying with the requirements of section 4(1)(a) if the conditions specified in subsection (2) are complied with.
- (2) The specified conditions are that—
  - (a) the lorry is—
    - (i) hired to the road haulage operator;

- (ii) registered under and compliant with the laws of a member State;
- (iii) at the sole disposal of the road haulage operator during the period of the contract of hire; and
- (iv) driven by the personnel of the road haulage operator;
- (b) the contract of hire relates solely to the hiring of the lorry without a driver; and
- (c) the following documents are available in the lorry—
  - (i) the contract of hire or an extract from the contract of hire showing the name of the road haulage operator, the name of the person from whom the lorry was hired, the date and duration of the contract and the particulars of the motor vehicle; and
  - (ii) if the person driving the motor vehicle is not the hirer, the employment contract of the driver, a recent pay slip, or a certified extract of that contract showing the name of the employer, the name of the employee, and the date and duration of the employment contract.

## **7. Powers of police officers and officers of the Areas**

- (1) The Chief Constable or a police officer may—
  - (a) so as to examine or investigate any matter relating to the implementation of this Ordinance—
    - (i) stop any motor vehicle; or
    - (ii) without a warrant, enter any premises (other than a dwelling) from which a transport undertaking operates;
  - (b) require the driver of any motor vehicle to stop and produce any “A”, “D” or “E” licence required under this Ordinance; or
  - (c) confiscate a licence which has been revoked or suspended under the corresponding Republican Law for the purpose of delivering it to the competent authority as defined in that Law.
- (3) The powers conferred on the Chief Constable under this section are general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007**(b)** except for the following, which are qualified delegated functions—
  - (a) any power permitting a vehicle to be stopped and examined;
  - (b) any power of entry, search or seizure.

## **8. Legal proceedings**

- (1) A court of the Areas may take judicial notice of Republican law and of any other Republican document of any description granted or otherwise made under Republican law.
- (2) 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; or
  - (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 enactment.

- (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;
- (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 enactment or part of the Republican enactment 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.

## **9. Application to the Crown**

- (1) This Ordinance does not bind the Crown or a person employed by or in the service of the Crown while discharging their duties except insofar as its provisions expressly impose duties or confer powers on the Chief Constable or on any police officer.
- (2) For the purpose of this section “the Crown” means Her Majesty in right of Her Government of the United Kingdom and in right of Her Administration in the Areas.

## **10. Commencement**

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

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### **Notes**

- (a) Law No 101(I)/2001, Republic of Cyprus.
- (b) Ordinance 17/07.

## EXPLANATORY NOTE

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

### Introduction

1. This explanatory note relates to the Motor Vehicles (Operator Licences) 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 is intended to give effect to the Republican Admission to the Occupation of Road Haulage or Road Passenger Transport Operator Law of 2001 (the “corresponding Republican Law”) within the Areas.

4. The Ordinance requires a road haulage operator to have a road haulage operator’s licence. It also requires a road passenger transport operator to have a road passenger transport operator’s licence. In both cases the licence is issued by the Republic.

5. The Ordinance also requires certain types of vehicle to be licensed. Lorries, if used for inland transport, must have an “A” licence, and if used for international transport must have a “D” licence. However, the Ordinance does contain a provision to allow road haulage operators to hire additional motor vehicles without those vehicles having an “A” or a “D” licence.

6. A police officer may stop a motor vehicle and may require the driver to produce the relevant “A”, “D” or “E” licence. A police officer may also enter the premises of a transport undertaking for the purpose of enforcing the Ordinance. Republican officials (other than members of the Republic of Cyprus Police) also have powers to ensure compliance with the Ordinance. However, before exercising powers to stop a vehicle or to enter premises Republican officials must first consult the Chief Constable.