



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1655 of 11th June 2012
LEGISLATION

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SCHEDULE 1

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REPEALS, REVOCATIONS AND SAVINGS

EXERCISE OF FUNCTIONS ORDINANCE 2012

An Ordinance to provide for the exercise of functions by persons other than those on whom the functions are conferred and for related purposes

G. E. STACEY
ADMINISTRATOR

7th June 2012.

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 Exercise of Functions Ordinance 2012.

2. Commencement

This Ordinance comes into force on 1 July 2012.

3. Interpretation

In this Ordinance—

“function” includes a power and a duty;

“legislative instrument” means a instrument made under an Ordinance that contains 1 or more provisions having legislative effect.

4. Crown application

This Ordinance binds the Crown.

5. Certain office-holders may delegate exercise of functions to others

- (1) Where a function is conferred by or under an Ordinance on the holder of an office set out in Schedule 1 (a “relevant officer”), the relevant officer may, unless expressly prohibited from so doing by law, delegate the exercise of the function to another person or to a class or description of person.
- (2) The relevant officer may impose conditions, exceptions and qualifications on the delegation.

- (3) A person to whom a function is delegated under subsection (1) may exercise the function from the date of the delegation or from any other date specified by the relevant officer.
- (4) The delegation of a function under subsection (1) does not preclude the relevant officer from exercising the function in person.
- (5) This section does not authorise a relevant officer to delegate—
 - (a) the exercise of the function of making a legislative instrument;
 - (b) the exercise of a function to any person other than a public officer^(a), a person in the service of, or holding office under, the Crown in right of the United Kingdom, a member of Her Majesty’s armed forces or an employee of an authorised service organisation.
- (6) Nothing in this section prevents a relevant officer from delegating the exercise of a function in accordance with any other Ordinance or law.

6. Administrator’s powers where public officer unable to exercise functions

- (1) Where the Administrator is satisfied that a public officer is unable for any reason to exercise the functions of the office, the Administrator may in writing—
 - (a) appoint another person to the office; or
 - (b) direct that the functions of the office (including, in a case where the holder of an office set out in Schedule 1 is unable to exercise the functions of the office, the powers in section 5) are to be exercised by a specified person or by the person for the time being holding, or lawfully exercising the functions of, a specified office.
- (2) The Administrator may impose conditions, exceptions and qualification on the appointment or direction.
- (3) A person appointed under subsection (1)(a) or referred to in a direction under subsection (1)(b) may exercise the functions of the office from the date of the appointment or direction or from any other date specified by the Administrator.
- (4) Where notice of appointment to an office is required by or under an Ordinance to be published in the Gazette, notice of an appointment or a direction under subsection (1) in respect of the office must be published in the Gazette.
- (5) The exercise of the Administrator’s powers in this section may not be delegated under section 5.

7. Exercise of Administrator’s functions may be indicated by signature of Chief Officer, etc

- (1) Where a function (including the function of making a legislative instrument) is conferred on the Administrator by or under an Ordinance, the exercise of the function by the Administrator may be indicated by the signature of the Chief Officer, the Administrative Secretary or the Attorney-General and Legal Adviser.
- (2) Despite subsection (1), a warrant, proclamation or other instrument under the public seal of the Areas must be signed by the Administrator in person.

8. Repeals, revocations and savings

Schedule 2 (which provides for repeals, revocations and savings) has effect.

SCHEDULE 1

OFFICE-HOLDERS WHO MAY DELEGATE EXERCISE OF FUNCTIONS

(section 5)

1. Administrative Secretary.
2. Administrator.
3. Area Officer.
4. Chief Constable.
5. Chief Control Officer^(b).
6. Chief Officer.
7. Fiscal Officer.
8. Senior Environmental Adviser.

SCHEDULE 2

REPEALS, REVOCATIONS AND SAVINGS

(section 8)

Repeals

1. The following Ordinances are repealed—
 - (a) the Interpretation Ordinance(c);
 - (b) the Interpretation (Amendment) Ordinance 2007(d);
 - (c) the Delegation of Functions (Internal) Ordinance 2009(e).

Revocations

2. The following public instruments are revoked—
 - (a) Public instrument 68/63;
 - (b) Public instrument 33/64;
 - (c) Public instrument 35/80;
 - (d) Public instrument 38/86;
 - (e) Public instrument 62/87.

Savings

3. (1) Despite paragraphs 1 and 2, the deputations of functions referred to in the public instruments referred to in paragraph 2, and any other deputation of a function (other than the function of making a legislative instrument) made under section 22 of the Interpretation Ordinance, in so far as they have not been revoked, continue to have effect as if they had been delegations under section 5 of this Ordinance.

(2) Despite paragraph 1, a delegation of a function (other than the function of making a legislative instrument) made under section 3 of the Delegation of Functions (Internal) Ordinance 2009, in so far as it has not been revoked, continues to have effect as if it had been a delegation under section 5 of this Ordinance.

Notes

- (a) “Public officer” is defined in Schedule 1 to the Interpretation Ordinance 2012 (Ordinance 8/12).
- (b) The Chief Officer is the Chief Control Officer for the purposes of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960 (Ordinance 5/60).
- (c) Cap. 1, Laws of Cyprus, revised edition 1959, repealed in part by the Interpretation Ordinance 2012.
- (d) Ordinance 27/07.
- (e) Ordinance 32/09.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Exercise of Functions Ordinance 2012 (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 and should be read in conjunction with it.
2. The Ordinance brings together provisions relating to the exercise of functions contained in the Interpretation Ordinance (Cap.1, Laws of Cyprus, revised edition 1959) and the Delegation of Functions (Internal) Ordinance 2009, which are repealed.
3. The holders of offices listed in Schedule 1 may, unless expressly prohibited by law, delegate to others the exercise of functions conferred on them by or under an Ordinance (section 5). The exercise of the function of making legislation may not be delegated; and a delegation may be made only to those in the service of, or holding office under, the Crown, members of Her Majesty’s armed forces and employees of authorised service organisations.
4. Where a public officer is unable to exercise the functions of the office, the Administrator may appoint another person to the office or direct that the functions of the office are to be performed by the holder of some other office (section 6). The exercise of this power may not be delegated under section 5.
5. Where a function is conferred on the Administrator by or under an Ordinance, the exercise of that function by the Administrator may be indicated by the signature of the Chief Officer, the Administrative Secretary or the Attorney-General and Legal Adviser (section 7).
6. The Ordinance does not affect the operation of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960. Accordingly, functions conferred on the Administrator by or under an Ordinance (including the power to make subordinate legislation and the powers in section 6) may be exercised by the person designated under article 2(1) of the Order in Council to administer the government of the Areas, or by a Deputy authorised under article 3(1), in accordance with the Order in Council.

(SBA/AG/2/CG/530)