



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
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LEGISLATION

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ADOPTED INSTRUMENTS (INTERPRETATION) ORDINANCE 2012

An Ordinance to make continuing provision in relation to the interpretation of instruments of the Republic of Cyprus that have effect as part of the law of the Areas and for related purposes

G. E. STACEY
ADMINISTRATOR

30th November 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 Adopted Instruments (Interpretation) Ordinance 2012.

2. Commencement

This Ordinance comes into force on 1 January 2013.

3. Meaning of adopted instrument

- (1) In this Ordinance, “adopted instrument” means an instrument of the Republic that, in accordance with provision made by or under an Ordinance (the “adopting Ordinance”), has effect as part of the law of the Areas.
- (2) In subsection (1), the reference to provision made by or under an Ordinance includes a reference to—
 - (a) provision made before or after this Ordinance comes into force;
 - (b) provision modifying the instrument of the Republic or making its application to the Areas subject to exceptions or adaptations.
- (3) In this section, “instrument of the Republic” means an instrument made (or treated as made) under a Law of the Republic.

4. Application

- (1) This Ordinance applies to an adopted instrument unless a contrary intention appears.
- (2) This Ordinance binds the Crown.

5. Adopted instruments must be treated as subordinate legislation

An adopted instrument must be treated, for all purposes, as if it were subordinate legislation made under the adopting Ordinance.

6. Interpretation of adopted instruments

- (1) An adopted instrument must be construed with all modifications necessary to make it applicable to the Areas.
- (2) Words and expressions used in an adopted instrument to which a meaning is given by legislation of the Republic have the meaning so given.
- (3) In an adopted instrument—
 - (a) a reference to the Republic must be construed as a reference to the Areas;
 - (b) a reference to a court must be construed as a reference to the Resident Judge’s Court or the Senior Judges’ Court.
- (4) Where an adopted instrument contains a reference to a provision in other legislation of the Republic—
 - (a) if there is a provision in legislation of the Areas that corresponds^(a) to the provision referred to, the reference must be treated as a reference to that corresponding provision;
 - (b) if there is no such corresponding provision in legislation of the Areas, the provision of the adopted instrument containing the reference does not have effect as part of the law of the Areas.

7. Functions in adopted instruments conferred on Chief Officer

- (1) Where an adopted instrument confers a power or imposes a duty on an officer of the Republic, the power or duty is deemed to be conferred or, as the case may be, imposed on the Chief Officer.
- (2) Subsection (1) does not apply to a power conferred, or a duty imposed, on a court.
- (3) In this section, “officer of the Republic” has the meaning given in section 2 of the Delegation of Functions to the Republic Ordinance 2007^(b).

8. Functions conferred on Chief Officer are general delegated functions for purposes of Delegation of Functions to the Republic Ordinance 2007

A power conferred, or duty imposed, on the Chief Officer under section 7 is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

9. Effect of amendment and revocation of adopted instruments

- (1) Where an authority of the Republic amends an adopted instrument, the unamended adopted instrument continues to have effect as part of the law of the Areas until further provision (if any) is made.
- (2) Where an authority of the Republic revokes an adopted instrument and replaces it, the original adopted instrument continues to have effect as part of the law of the Areas until further provision (if any) is made.
- (3) Where an authority of the Republic revokes an adopted instrument and does not replace it, the adopted instrument ceases to have effect as part of the law of the Areas at the date of its revocation.

10. Legal proceedings

- (1) For the purpose of interpreting an adopted instrument, a court may take judicial notice of legislation of the Republic and of any other document of any description granted or otherwise made under legislation of the Republic.
- (2) The production of a copy of any legislation of the Republic—
 - (a) contained in a printed collection of legislation 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,

may be held by a court to be conclusive evidence for all purposes of the due and lawful making of that legislation.

- (3) For the purposes of this section, a version of any legislation of the Republic in English—

- (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 translator into English from the language in which the legislation of the Republic 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 be held by the court to be conclusive evidence for all purposes that such version is the accurate English version of the legislation in question.

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

- (a) a document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the legislation under which the document in question was granted or otherwise made; or
- (b) an English translation of a 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 the document.

11. Repeals

The following Ordinances are repealed—

- (a) the Adopted Instruments Ordinance 2003(c);
- (b) the Adopted Instruments (Amendment) Ordinance 2003(d);
- (c) the Adopted Instruments (Amendment) Ordinance 2010(e).

Notes

- (a) Section 40 of the Interpretation Ordinance 2012 provides for the interpretation of “corresponding” in relation to legislation of the Areas and laws of the Republic.
- (b) Ordinance 17/07.
- (c) Ordinance 15/03.
- (d) Ordinance 36/03.
- (e) Ordinance 17/10.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Adopted Instruments (Interpretation) 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 provides for the interpretation of legislative instruments of the Republic that become part of the law of the Areas in accordance with an Ordinance or a public instrument made under an Ordinance. Such instruments of the Republic are known as “adopted instruments”. (Where an Ordinance does not confer an express power to “adopt” an instrument of the Republic, section 31(1)(b) of the Interpretation Ordinance 2012 may confer such a power.)
3. The Ordinance applies to all adopted instruments, whether adopted before or after 1 January 2013 (section 3(2)(a)). However, the Ordinance does not apply if there is a contrary intention - the adopting Ordinance or public instrument may make provision different to that set out in this Ordinance.
4. Adopted instruments are treated as subordinate legislation made under the adopting Ordinance (section 5). Accordingly, provisions of an adopted instrument that are inconsistent with the adopting Ordinance are void.
5. Where adopted instruments confer functions on officers of the Republic, the functions are treated as being conferred on the Chief Officer (section 7). Such functions are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007 (section 8). Accordingly, the functions may be carried out in the Areas, subject to that Ordinance, by the officer of the Republic on whom the corresponding function is conferred by the law or custom of the Republic.
6. Where an adopted instrument is amended or replaced in the Republic, the instrument as originally adopted continues to have effect in the Areas (section 9(1) and (2)) until further provision (if any) is made in the law of the Areas. Where an adopted instrument is revoked in its entirety in the Republic, it ceases to have effect in the Areas (section 9(3)).
7. The Ordinance repeals the Adopted Instruments Ordinance 2003 (section 11).