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**MOTOR VEHICLES AND ROAD TRAFFIC (CONSOLIDATION)(AMENDMENT)**  
**ORDINANCE 2012**

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An Ordinance to amend the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006

**G. E. STACEY**  
**ADMINISTRATOR**

*3rd December 2012.*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**1. Short title and commencement**

This Ordinance may be cited as the Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2012 and comes into force on 1 January 2013.

**2. Amendments to the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006**

The Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(a) is amended in accordance with sections 3 to 6.

**3. Repeal and substitution of section 3 (power to the Administrator to make regulations)**

Section 3 is repealed and the following section substituted—

**“3. Power to make regulations**

- (1) The Administrator may make regulations by way of public instrument about any matter connected with the regulation of motor vehicles and road traffic.
- (2) Without limiting the power in subsection (1), regulations may —
  - (a) make contravention of a provision a criminal offence;
  - (b) prescribe a penalty for a criminal offence of a term of imprisonment not exceeding 12 months or a fine not exceeding €3,000, or both such penalties; and

- (c) prescribe an administrative penalty of a fine not exceeding €10,000, which may be enforced as a civil debt.
- (3) Without limiting the power in subsection (1), regulations may provide for—
  - (a) a person (A), including an officer of the Republic, to exercise a function;
  - (b) A to authorise another person (B), including an officer of the Republic, to exercise a function on A's behalf; and
  - (c) A to impose such terms and conditions on B in the exercise of the function as A considers appropriate.
- (4) In this section, “officer of the Republic” means a person on whom a function is placed by or under the law or custom of the Republic, but does not include a police officer.”.

#### **4. Repeal of sections 8 and 9**

Sections 8 (driving under the influence of drink etc.) and 9 (evidence on charge of driving under the influence of drink etc.) are repealed.

#### **5. Repeal and substitution of section 33 (points when offence dealt with as a fixed penalty)**

Section 33 is repealed and the following section substituted—

##### **“33. Points when offence dealt with as a fixed penalty**

- (1) This section applies where—
  - (a) an offence specified in the 1st column of the Schedule is an offence for which a police officer has the power to issue and serve a fixed penalty notice under the Fixed Penalty Ordinance 2010**(b)** (“the FPO”); and
  - (b) a police officer proposes to issue and serve a fixed penalty notice in accordance with the FPO.
- (2) A police officer, in addition to the penalty imposed under the FPO, must order the imposition of the number of penalty points specified for the offence in the 2nd column of the Schedule, and must specify the number in the notice issued and served under the FPO.
- (3) If the offer of a fixed penalty is accepted, the points are to be endorsed or recorded in accordance with section 34.
- (4) When presenting a fixed penalty notice for payment, if the person (“P”) to whom it is addressed holds a driving licence issued by the Administrator, P must surrender the licence for endorsement.
- (5) Despite the provisions of the FPO, a police officer must not issue a fixed penalty notice to P for an offence where the imposition of penalty points for the offence, combined with penalty points accumulated by P and aggregated in accordance with section 35, exceeds 12.
- (6) A penalty notice issued or served in contravention of subsection (5) is void.”.

#### **6. Repeal and substitution of the Schedule (penalty points)**

The Schedule is repealed and substituted with the Schedule to this Ordinance.

#### **7. Repeals**

The following Ordinances are repealed—

- (a) the Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2008**(c)**;
- (b) the Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2010**(d)**.

**SCHEDULE**

**Section 6**

SCHEDULE TO BE SUBSTITUTED FOR THE SCHEDULE TO THE MOTOR VEHICLES  
AND ROAD TRAFFIC (CONSOLIDATION) ORDINANCE 2006

**“SCHEDULE**

**Section 32**

PENALTY POINTS

PART 1				
Offences under the Criminal Code(e)				
	1st column		2nd column	3rd column
	Offence		Min. points	Max. points
1.	Causing death by reckless, rash or dangerous act	Section 210	5	10
2.	Abandoning place of accident without rendering assistance.	Section 235A	5	10
PART 2				
Offences under the Drinking and Driving Ordinance 1993				
	1st column		2nd column	3 rd column
	Offence		Min. points	Max. points
3.	Driving, attempting to drive or being in charge of a vehicle while under the influence of drink or drugs	Section 3	3	6
4.	Driving, attempting to drive or being in charge of a vehicle with a concentration of alcohol above the prescribed limit	Section 4	3	6
5.	Failure, without reasonable excuse, to provide a specimen of breath, blood or urine	Section 5 or 6	1	6
PART 3				
Offences under the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006				
	1st column		2nd column	3 rd column
	Offence		Min. points	Max. points
6.	Speed limits – exceeding the maximum or not complying with the minimum speed limit by up to 30%	Section 4	0	2
7.	Speed limits – exceeding the maximum or not complying with the minimum speed limit by between 31% and 50%	Section 4	2	4
8.	Speed limits – exceeding the maximum or not complying with minimum speed limit by between 51% and 75%	Section 4	3	6
9.	Reckless or dangerous driving	Section 6	3	6
10.	Careless driving	Section 7	2	4
PART 4				
Offences under the Motor Vehicles (Seat Belts and Restraint Systems) Ordinance 2007				
	1st column		2nd column	3 rd column
	Offence		Min. points	Max. points
11.	Failure of a person driving a motor vehicle to wear a seat belt outside a built up area	Sections 5(1) and 10(2)	2	4

PART 5				
Offences under the Motor Vehicles and Road Traffic Regulations 1985(f)				
	1st column		2nd column	3rd column
	Offence		Min. points	Max. points
12.	Contravening requirements relating to silencer and expansion chamber	Regulation 32(17)	2	4
13.	Violation of continuous white line marking	Regulation 39(1)(k)	2	4
14.	Non-compliance with traffic signals	Regulation 39(1)(m)	2	4
15.	Use of telephone with hands	Regulation 39(5)	2	4
16.	Failure to use a protective helmet – outside a built up area; within a built up area.	Regulation 40	2	4
			1	2

**Notes**

- (a) Ordinance 5/06; amended by Ordinances 29/06, 13/07, 24/08, 26/09 and the Fire Service Ordinance 2010 (Ordinance 4/10).
- (b) Ordinance 25/10. Under the Ordinance a police officer may impose a fixed penalty notice for the offences specified in paragraphs 6,7,8,11 and 12 to 16 of the Schedule.
- (c) Ordinance 2/08.
- (d) Ordinance 18/10.
- (e) Cap 154, Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/12) provides for the interpretation of such legislation. Section 210 was repealed and replaced, and section 235A inserted, by the Criminal Code (Amendment) Ordinance 1989 (Ordinance 24/89).
- (f) P.I. 35/85. Regulation 39(5) was inserted, and regulation repealed and replaced by the Motor Vehicles and Road Traffic (Amendment) Regulations 2001 (P.I. 55/01).

## EXPLANATORY NOTE

**(This note is not part of the Ordinance)**

### Introduction

1. This explanatory note relates to the Motor Vehicles and Road Traffic (Consolidation) (Amendment) 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. It does not form part of the Ordinance.

2. This 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 purpose of this Ordinance is to amend the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006 (the “principal Ordinance”).

4. Section 3 amends the power for the Administrator to make regulations, and in particular to provide a power for regulations to impose administrative penalties, and for the delegation of functions under regulations.

5. Section 4 repeals provisions about driving under the influence of drink, as the Drinking and Driving Ordinance 1993 (Ordinance 6/93) deals with drink driving, not the principal Ordinance.

6. Section 5 substitutes a new section 33 which specifies how penalty points are to be imposed where a police officer has the power to issue and serve a fixed penalty notice for an offence specified in the Schedule of this Ordinance. Under the Fixed Penalty Ordinance 2010, a police officer has the power to issue a fixed penalty notice for speeding offences (specified in paragraphs 6 to 8), a seat belt offence (specified in paragraph 11) and offences under the Motor Vehicles and Road Traffic Regulations 1985 (specified in paragraphs 12 to 16).

7. Section 6 inserts a new Schedule setting out the minimum and maximum number of penalty points which may be imposed when a person is convicted of a driving or related offence or accepts a fixed penalty notice. This replicates, in part, amendments to Republican law made by the Republic’s Motor Vehicles and Road Traffic (Amendment) Law 2012 (Law 109(I)/2012). Where a fixed penalty notice is given and accepted, the penalty points imposed are those set out in the 2nd column. The 3rd column sets out the maximum number of penalty points which a court may impose where a person is convicted of an offence.

