



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
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LEGISLATION

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CHILDREN (AMENDMENT) ORDINANCE 2013

An Ordinance to amend the Children Ordinance

R. J. CRIPWELL
ADMINISTRATOR

4th April 2013.

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 Children (Amendment) Ordinance 2013.

2. Commencement

This Ordinance comes into force on 15 April 2013.

3. Children Ordinance amended

The Children Ordinance(a) is amended in accordance with sections 4 to 8.

4. Section 28 amended (registration of nurseries and childminders)

Section 28 is amended by repealing subsection (2) and substituting the following subsections—

- “(2) An application to register premises under subsection (1)(a) must be submitted to the Chief Officer in the form set out in Schedule 1 to the Children Law(b) of the Republic.
- (2A) Where the applicant is a company or an unincorporated body, the application must be made by an individual authorised by the company or body and must state the name of the individual who will be the manager of the premises.
- (2B) An application to be registered under subsection (1)(b) must be submitted to the Chief Officer in the form set out in Schedule 2 to the Children Law of the Republic.
- (2C) If the Chief Officer is satisfied that an applicant meets every requirement under this Part, the Chief Officer must register the premises or, as the case may be, the person in the register kept under subsection (1) and issue a certificate of registration.”

5. New sections 28A and 28B inserted

The following sections are inserted after section 28—

“28A. Documents to be submitted with application and annually: nurseries

- (1) An application to register premises under section 28(1)(a) must be accompanied by the following documents—
 - (a) in respect of every member of staff, a copy of the person’s identity card or other identity document showing that the person is at least 18 years of age;
 - (b) in respect of every member of staff, a certificate of medical health given by a medical practitioner, blood test results (including tests for transmissible diseases) and a chest x-ray;
 - (c) in a case where the medical practitioner referred to in paragraph (b) refers a member of staff to a psychiatrist, a certificate of the member of staff’s mental health given by the psychiatrist;
 - (d) in respect of every member of staff, a criminal record certificate;
 - (e) an architect’s plan of the premises with dimensions;
 - (f) the following certificates relating to the safety or suitability of the premises—
 - (i) a certificate of the structural condition of the premises (including in relation to its anti-seismic design) issued by the Department of Public Works of the Ministry of Communications and Works of the Republic;
 - (ii) a certificate of fire safety issued by the Fire Service of the Ministry of Justice and Public Order of the Republic;
 - (iii) a certificate in relation to sanitation at the premises issued by the Health Service of the Ministry of Health of the Republic;
 - (iv) a certificate of safety in respect of the electrical appliances at the premises issued by the Department of Electromechanical Services of the Ministry of Communications and Works of the Republic or a licensed electrician.
- (2) Where premises are registered under section 28(1)(a), the certificates and other documents referred to in subsection (1)(b), (c) and (d) must be submitted to the Chief Officer annually.
- (3) Subsection (2) does not require a chest x-ray referred to in subsection (1)(b) to be submitted annually unless the medical practitioner giving the certificate so decides.

28B. Documents to be submitted with application and annually: childminders

- (1) An application to be registered under section 28(1)(b) must be accompanied by the following documents—
 - (a) a copy of the applicant’s identity card or other identity document showing that the applicant is at least 18 years of age;
 - (b) a copy of the applicant’s school leaving certificate;
 - (c) in respect of the applicant and family members living with the applicant, a certificate of the person’s medical health given by a medical practitioner, blood test results (including tests for transmissible diseases) and a chest x-ray;
 - (d) in a case where the medical practitioner referred to in paragraph (c) refers the applicant or a family member to a psychiatrist, a certificate of mental health given by the psychiatrist;
 - (e) the applicant’s criminal record certificate.

- (2) Where a person is registered under section 28(1)(b), the certificates and other documents referred to in subsection (1)(c), (d) and (e) must be provided to the Chief Officer annually.
- (3) Subsection (2) does not require a chest x-ray referred to in subsection (1)(c) to be submitted annually unless the medical practitioner giving the certificate so decides.”

6. Section 29 amended (power to impose requirements in connection with registration)

Section 29 is amended by repealing subsections (1) and (2) and substituting the following subsections—

- “(1) Where the Chief Officer proposes to register premises under section 28(1)(a) or a person under section 28(1)(b), the Chief Officer may impose requirements relating to the compliance by the applicant with matters connected with registration (including the matters referred to in subsections (3) and (4)).
- (2) A person registered under section 28(1)(b) may not look after—
- (a) more than 3 children under the age of 2 years;
 - (b) more than 6 children aged 2 years or over.
- (2A) Where a person registered under section 28(1)(b) looks after children in the age group referred to in subsection (2)(a) and children in the age group referred to in subsection (2)(b), the number of children that the person may be permitted to look after must not exceed the number for whom adequate care may be provided.
- (2B) For the purpose of subsections (2) and (2A), the number of children that a person looks after includes not only those looked after as mentioned in section 28(1)(b) but all other children that the person looks after.”

7. Section 35 amended (exemption of certain institutions from provisions of this Part)

Section 35 is amended by adding the following subsection—

- “(4) Nothing in this Part applies to the reception of children by a child care provider approved by an organisation accredited under the scheme made by the Tax Credit (New Category of Child Care Provider) Regulations 2002(c) (or any substituted scheme).”

8. New section 73 added

The following section is added after section 72—

“73. Delegation of functions to the Republic

- (1) The functions conferred on the Chief Officer(d) by this Ordinance are general delegated functions for the purpose of the Delegation of Functions to the Republic Ordinance 2007(e).
- (2) Subsection (1) does not apply to the power to make an order under section 29(4) other than an order in respect of individual premises.”

Notes

- (a) Cap. 352, Laws of Cyprus, 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960. Schedule 2 to the Interpretation Ordinance 2012 provides for the interpretation of such legislation.
- (b) Cap. 352, Laws of Cyprus, 1959 ed. Schedules 1 and 2 were inserted by Law 62(I)/2011 of the Republic.
- (c) S.I. 2002/1417 (UK).
- (d) The Children Ordinance confers many functions on the “Director”, defined in section 2 as either the Greek Chief Welfare Officer or the Turkish Chief Welfare Officer. In accordance with paragraph 1(o) of Schedule 2 to the Interpretation Ordinance 2012, references to the “Director” in the Children Ordinance are to be construed as references to the Chief Officer.
- (e) Ordinance 17/07.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Children (Amendment) Ordinance 2013 (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 the Ordinance.
2. The Ordinance amends the Children Ordinance (the “principal Ordinance”) in a number of respects. The amendments largely reflect amendments made to the Children Law of the Republic by Law 62(I)/2011.
3. An application to register a nursery school under section 28(1)(a) of the principal Ordinance must be made on the form set out in Schedule 1 to the Children Law of the Republic (see new section 28(2)). An application to be registered as a childminder under section 28(1)(b) must be made on the form set out in Schedule 2 to the Children Law (see new section 28(2B)). New sections 28A and 28B provide for the documents that must be submitted with such applications and provide that certain documents must be submitted on an annual basis thereafter.
4. Restrictions are imposed on the number of children that a childminder may look after (see new section 29(2) to (2B) of the principal Ordinance).
5. New section 35(4) of the principal Ordinance provides an additional exemption from the registration requirements. Nurseries and childminders approved by an organisation accredited under the scheme made by the Tax Credit (New Category of Child Care Provider) Regulations 2002 (UK) do not have to register under the principal Ordinance. Approval under the scheme is in practice granted only in respect of those nurseries and childminders that serve the needs of the British military community.
6. The fact that various functions conferred on the Chief Officer by the principal Ordinance are delegated to the authorities of the Republic of Cyprus is made clear on the face of the principal Ordinance in accordance with current drafting practice (see new section 73). However, the Chief Officer’s power to make an order imposing requirements on registered nurseries under section 29(4) of the principal Ordinance is delegated only in so far as the power relates to making an order in respect of individual premises. This reflects the position under the Delegation of Functions to the Republic Ordinance 2007, section 19 of which provides that a power to make a public instrument is not delegated.