



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1712 of 28th August 2013
LEGISLATION

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EXERCISE OF FUNCTIONS (AMENDMENT) ORDINANCE 2013

An Ordinance to amend the Exercise of Functions Ordinance 2012

J. S. WRIGHT
DEPUTY ADMINISTRATOR

27th August 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 Exercise of Functions (Amendment) Ordinance 2013.

2. Commencement

This Ordinance comes into force on 1 September 2013.

3. Exercise of Functions Ordinance 2012 amended

The Exercise of Functions Ordinance 2012(a) is amended in accordance with sections 4 to 7.

4. New section 5A inserted

The following section is inserted after section 5—

“5A. Chief Officer may delegate exercise of function of making legislative instruments

- (1) Where the function of making a legislative instrument is conferred on the Chief Officer by or under an Ordinance, the Chief Officer may, unless expressly prohibited from doing so by law, delegate the exercise of the function to a public officer(b).
- (2) The Chief Officer may impose conditions, exceptions and qualifications on the delegation.
- (3) The delegation must be in writing and must be notified in the Gazette.

- (4) 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 Chief Officer in the delegation.
- (5) The delegation of a function under subsection (1) does not preclude the Chief Officer from exercising the function in person.
- (6) Nothing in this section prevents the Chief Officer from delegating the exercise of the function of making a legislative instrument in accordance with any other Ordinance or law.”

5. Section 6 amended (Administrator’s powers where public officer unable to exercise functions)

Section 6 is amended by adding the following subsection—

- “(6) In this section, a reference to the functions of an office includes a reference to the function of making a legislative instrument.”

6. Section 7 (exercise of Administrator’s functions may be indicated by signature of Chief Officer, etc)

Section 7(1) is amended by omitting “, the Administrative Secretary”.

7. Schedule 1 amended (office-holders who may delegate exercise of functions)

Schedule 1 is amended by omitting item 1 (Administrative Secretary).

Notes

(a) Ordinance 12/12.

(b) “Public officer” is defined in Schedule 1 to the Interpretation Ordinance 2012 (Ordinance 8/12).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Exercise of Functions (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.
2. The Ordinance amends the Exercise of Functions Ordinance 2012 (the “principal Ordinance”).
3. New section 5A of the principal Ordinance provides that, where the Chief Office has the power to make a legislative instrument (as defined in section 3 of the principal Ordinance), the Chief Officer may delegate the exercise of that function to a public officer. The delegation must be in writing and must be notified in the Gazette.
4. Section 6 of the principal Ordinance is amended to make it clear that the Administrator’s powers to direct that the functions of the office be performed by another person or office-holder continue to apply to the function of making a legislative instrument.
5. Section 7 of, and Schedule 1 to, the principal Ordinance are amended to remove references to the Administrative Secretary following the abolition of that post.

