
**MOTOR VEHICLES AND ROAD TRAFFIC
(CONSOLIDATION) (AMENDMENT) ORDINANCE
2015**

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

**M. Wigston
ADMINISTRATOR**

30 June 2015

Be in enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title

1. This Ordinance may be cited as the Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2015.

Commencement

2. This Ordinance comes into force on 6 July 2015.

Section 5 (Speeding offences admissibility of certain evidence)

3. After section 5(1) of the Motor Vehicles and Road Traffic (Consolidation) Ordinance(a), insert

(a) Ordinance 5/2006 as amended by Ordinances 29/2006, 13/2007, 24/2008, 26/2009, 4/2010 and 32/2012.

“(1A) For the purpose of subsection (1)(b), the Chief Constable may authorise a category of persons. ”.

Section 13A of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006 substituted

4.—(1) For section 13A(a) of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006, substitute—

“**13A.—**(1) The Chief Officer may, by order, prohibit or regulate the driving of any class of motor vehicle on any road.

(2) An order under subsection (1) may include a condition to which a prohibition or regulation contained in the order is subject.

(3) The Chief Officer may give permission, in writing, for a person to drive a motor vehicle on a road where the driving of the motor vehicle on the road is otherwise prohibited or regulated by an order under subsection (1).

(4) The Chief Officer may impose conditions on any permission given under subsection (3).

(5) Subject to subsection (6), a person who contravenes an order made under this section commits an offence and, on conviction, is liable to a term of imprisonment not exceeding 2 years or a fine not exceeding €1,708, or to both.

(6) A person (“P”) does not commit an offence under subsection (5) where—

(a) P has been given permission by the Chief Officer under subsection (3); and

(b) P is driving a motor vehicle in accordance with such permission, including compliance with any conditions imposed by the Chief Officer on the permission. ”.

Consequential amendment to Schedule 1 to the Fixed Penalties Ordinance 2010

5. In Part 2 of Schedule 1 to the Fixed Penalties Ordinance 2010(b), after entry 3, insert—

“3A	Contravention of an order prohibiting or regulating traffic on a road	€85	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006	Section 13A(5)”
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(a) Section 13A was inserted by Ordinance 13/2007.

(b) Ordinance 25/2010 as amended by Ordinance 34/2014. The Schedules to Ordinance 25/2010 have been amended by P.I. 8/2013 and 23/2013.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Motor Vehicles and Road Traffic (Consolidation) (Amendment) Ordinance 2015 (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. This note should be read in conjunction with the Ordinance.
2. The Ordinance amends the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006 (the “principal Ordinance”). The first amendment is to insert a new subsection into section 5 of the principal Ordinance which enables the Chief Constable to authorise a category of persons to provide evidence in speeding cases rather than having to authorise each person individually.
3. The second amendment substitutes section 13A of the principal Ordinance with a new section 13A. Subsection (1) of section 13A confers a power on the Chief Officer to make orders prohibiting or regulating the driving of any category of vehicle on a road. The new section 13A expands the Chief Officer’s power by removing the previous requirement to include the time period and times of day that a prohibition or regulation in an order applies.
4. The new section 13A also introduces a new power for the Chief Officer to permit a person to drive a vehicle on a road where doing so would otherwise be prohibited or regulated by an order. This provides some flexibility where exceptions to the prohibitions or regulation in an order need to be made.
5. A person who contravenes an order made under subsection 13A commits an offence and is liable, on conviction, to a term of imprisonment not exceeding 2 years, to fine not exceeding €1,708 or to both such penalties. Section 5 makes a consequential amendment to the Fixed Penalties Ordinance that permits the offence to be disposed of by way of a fixed penalty.

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