

Ordinance 04 of 2022

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**PROTECTION OF PUBLIC HEALTH (COVID-19)
ORDINANCE 2022**

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**PROTECTION OF PUBLIC HEALTH (COVID-19)
ORDINANCE 2022**

An Ordinance to make provision for the protection of public health in connection with COVID-19
and for connected purposes

R. Thomson
ADMINISTRATOR

18 March 2022

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

PART 1
Preliminary

Short title and commencement

1.—(1) This Ordinance may be cited as the Protection of Public Health (COVID-19) Ordinance 2022.

(2) This Ordinance comes into force on 19 March 2021.

Interpretation

2.—(1) In this Ordinance—

“booster dose” means a second dose of a single-dose vaccine or a third dose of a two-dose vaccine against COVID-19;

“catering premises” means—

- (a) restaurants,
- (b) tavernas,
- (c) cafeterias,
- (d) bars,
- (e) snack bars,
- (f) coffee shops,
- (g) canteens within sports clubs, cultural clubs, associations and societies,
- (h) dining premises within hotels and other tourist accommodation, and
- (i) military catering facilities;

“dependent” has the meaning given to it in Part I of Annex B to the Treaty of Establishment;

“disability” has the same meaning as in the Disabled Persons Ordinance 2016(a);

(a) Ordinance 17/2016

“entry requirements for high-risk venues and events” means—

- (a) where the person is aged between 6 and 17, evidence that they have tested negative for COVID-19 (by either a PCR or rapid flow test) within the period of 72 hours immediately before the date and time on which the evidence is shown;
- (b) where the person is aged 18 or over evidence that they have either—
 - (i) completed a full course of vaccination for COVID-19 and either—
 - (aa) tested negative for COVID-19 by a PCR test within the period of 72 hours immediately before the date and time on which the evidence is shown, or
 - (bb) tested negative for COVID-19 by a rapid flow test within the period of 48 hours immediately before the date and time on which the evidence is shown,
 - (ii) recovered from COVID-19 within the three months immediately before the date on which the evidence is shown and either—
 - (aa) tested negative for COVID-19 by a PCR test within the period of 72 hours immediately before the date and time on which the evidence is shown, or
 - (bb) tested negative for COVID-19 by a rapid flow test within the period of 48 hours immediately before the date and time on which the evidence is shown,
 - (iii) tested negative for COVID-19 by a PCR test within the period of 48 hours immediately before the date and time on which the evidence is shown, or
 - (iv) tested negative for COVID-19 by a rapid flow test within the period of 24 hours immediately before the date and time on which the evidence is shown;

“entry requirements for low-risk venues and events” means evidence that a person has either—

- (a) completed a full course of vaccination against COVID-19,
- (b) recovered from COVID-19 within the three months immediately before the date on which the evidence is shown, or
- (c) tested negative for COVID-19 (by either a PCR or rapid flow test) within the period of 72 hours immediately before the date and time on which the evidence is shown;

“entry requirements for medium-risk venues and events” means—

- (a) where the person is aged between 6 and 17 evidence that they have either—
 - (i) completed a full course of vaccination against COVID-19,
 - (ii) recovered from COVID-19 within the three months immediately before the date on which the evidence is shown, or
 - (iii) tested negative for COVID-19 (by either a PCR or rapid flow test) within the period of 72 hours immediately before the date and time on which the evidence is shown,
- (b) where the person is aged 18 and over evidence that they have either—
 - (i) completed a full course of vaccination against COVID-19,
 - (ii) recovered from COVID-19 within the three months immediately before the date on which the evidence is shown,
 - (iii) tested negative for COVID-19 by a PCR test within the period of 72 hours immediately before the date and time on which the evidence is shown, or
 - (iv) tested negative for COVID-19 by a rapid flow test within the period of 48 hours immediately before the date and time on which the evidence is shown;

“full course of vaccination” means either—

- (a) one dose of a single-dose vaccine or both doses of a two-dose vaccine against COVID-19, where less than 7 months have elapsed since the date that the most recent dose was administered, or
- (b) an additional dose of vaccination against COVID-19 where more than 7 months have elapsed since the previous dose was administered;

“place of residence” includes any place or premises which comprises the private residence of an individual and to which the public does not have access;

“relevant health and safety guidelines” means any guidelines, as amended from time to time—

- (a) referred to in a provision of the legislation of the Republic corresponding to a provision of this Ordinance where the phrase “relevant health and safety guidelines” is used, and
- (b) the purpose of which is to prevent or protect against the incidence or spread of COVID-19;

“United Kingdom personnel” has the meaning given to it in Part I of Annex B to the Treaty of Establishment.

(2) Subsection (3) applies within an area of land—

- (a) owned or occupied by the Crown in right of Her Majesty’s Government of the United Kingdom, and
- (b) to which the public does not have access.

(3) In the application of this Ordinance in an area of land to which this subsection applies, a reference to the public applies as if the class consisting of the persons having access to any part of the area of land in question were the public.

(4) Where a provision of this Ordinance requires the wearing or use of a mask by a person, it requires the mask to cover the person’s nose and mouth.

(5) Where relevant health and safety guidelines confer functions on any person, those functions are deemed to be conferred on the Chief Officer, and are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).

(6) Where a provision of this Ordinance requires a person (“P”) to present evidence of vaccination status, COVID-19 test results, COVID-19 recovery, or a medical condition which prevents vaccination against COVID-19, P must also present an identification document which demonstrates that the evidence provided relates to P.

Application

3.—(1) No requirement of this Ordinance applies where that requirement would make it impossible to achieve, to a satisfactory standard, any of the purposes specified in subsection (2).

(2) The purposes specified in this subsection are—

- (a) military activities, or
- (b) the prevention or detection of crime, or the apprehension or prosecution of offenders, by the Sovereign Base Areas Police Service or the Sovereign Base Areas Customs and Immigration Service.

(3) Except for section 38 this Ordinance binds the Crown.

PART 2

General provisions

Relevant health and safety guidelines

4. Unless this Ordinance makes contrary provision, a person operating or in charge of any undertaking or operation must ensure that relevant health and safety guidelines are complied with.

(a) Ordinance 17/2007, amended by Ordinance 8/2012

Masks

5.—(1) Subject to subsections (2) and (4), and except as provided by relevant health and safety guidelines, where one or more people are in the presence of each other indoors, or two or more people are in the presence of each other, all the persons aged 6 years old or more must wear a mask.

(2) Subsection (1) does not apply, within the premises of a school to which this subsection applies, to—

- (a) a member of the workforce of that school who, in the course of their duty, is providing education services to pupils of that school, or
- (b) a pupil of that school.

(3) Subsection (2) applies to private and state schools of primary education or secondary private and state kindergartens, nursery and preschools, special schools and special units of state schools.

(4) Subsection (1) does not apply within a place of residence

(5) Every person using a lift must wear a mask while in the lift.

Requirements for employees

6.—(1) Subject to subsection (3), and unless alternative provision is made in this Ordinance for a specific workplace, for any employee or self-employed person to be in their workplace they must possess evidence that meet the entry requirements for medium-risk venues.

(2) A person in charge of a workplace must ensure that all persons working in that workplace to whom subsection (1) applies comply with that subsection.

(3) Subsection (1) does not apply to United Kingdom personnel and their dependents, in the course of their duties—

- (a) as members of the land sea and air armed service of the United Kingdom, or
- (b) on behalf of a United Kingdom authority or authorised service organisation, both phrases having the same meaning as in Part I of Annex B to the Treaty of Establishment.

(4) The Chief Officer may—

- (a) order all workers at a workplace to undergo a test for COVID-19,
- (b) specify the type of test to be undergone, and
- (c) specify the time limit for undergoing the test.

Leave entitlement to receive a COVID-19 vaccination

7.—(1) Subject to subsections (2), (3) and (4), in addition to any other leave entitlement, an employee is entitled to take one day of paid leave—

- (a) on a day where the employee escorts a child of theirs under the age of 18 or a person under their care and supervision as a guardian within the meaning of the Children Ordinance (a) to receive a dose of COVID-19 vaccination, and
- (b) on a day where the employee receives a dose of COVID-19 vaccination.

(2) The entitlement referred to in subsection (1) is conditional upon the employee providing the employer with proof, if requested by the employer within a reasonable period of time after the leave was taken, that the vaccination to which the entitlement relates was administered.

(3) This section does not apply to the Crown in relation to its employment of—

- (a) members of Her Majesty's Armed Forces, and
- (b) civilian personnel accompanying those armed forces.

(4) This section does not apply to authorised service organisations in relation to their employment of civilian personnel accompanying Her Majesty's Armed Forces.

Price Caps

8.—(1) No person may sell or offer for sale a Coronavirus COVID-19 molecular test at a price above €50, not including VAT.

(2) No person may sell or offer for sale a rapid antigen test for Coronavirus COVID-19 at a price above €10, not including VAT.

(3) The maximum price listed for Coronavirus COVID-19 molecular test does not apply to such tests where charging a price lower or equal to the maximum price would contravene a contractual obligation—

- (a) to which the Republic is party,
- (b) which was entered into before 6am on 8 January 2021, and
- (c) which authorises or requires a person to charge a higher price.

PART 3

Events and gatherings

Mass events and gatherings

9.—(1) Subject to subsection (2) no person may organise or attend, in any place—

- (a) a parade,
- (b) a concert,
- (c) a festival, or
- (d) an assembly or procession within the meaning of the Assemblies and Processions Ordinance (a).

(2) Subsection (1) does not apply to an event where either—

- (a) this Ordinance makes contrary provision,
- (b) the Republic have issued guidelines for the event, or
- (c) the Chief Officer has granted permission for that event.

(3) The permission referred to in subsection 2(c) shall be in writing and the Chief Officer may impose any condition on the holding of the event subject to the permission.

Places of residence

10.—(1) Subject to subsection (2) no person may permit more than 30 people to be present in their place of residence, including that person and any other permanent residents.

(2) Subsections (1) does not apply where the Chief Officer has granted a permit for an event to be held at the residence, in accordance with relevant health and safety guidelines.

(3) The function of the Chief Officer under subsection (3) is a general delegated function under the Delegation of Functions Ordinance 2007(b).

(a) Cap.32
(b) Ordinance 17/2007

Religious worship

- 11.** A person in charge of a place of religious worship must ensure that—
- (a) the relevant health and safety regulations are complied with;
 - (b) during a religious service, including a wedding, funeral or christening, the congregation does not exceed 70% of the capacity of the place of worship;
 - (c) outside of the times of a religious service, no more than 20 people are simultaneously present on the premises of the place of religious worship;
 - (d) all people present at the place of religious worship either—
 - (i) comply with the entry requirements for medium-risk venues and events, or
 - (ii) are less than 6 years old.

Events including weddings and christenings

12.—(1) A person in charge of a venue hosting an event, including a wedding or christening, with a capacity of less than 150 people must ensure that—

- (a) the relevant health and safety regulations are complied with,
- (b) the maximum number of people seated at a table does not exceed 12, and
- (c) all people present either—
 - (i) comply with the entry requirements for medium-risk venues and events, or
 - (ii) are less than 6 years old.

(2) A person in charge of a venue hosting an event, including a wedding or christening, with a capacity of 150 people or more must ensure that—

- (a) the relevant health and safety regulations are complied with,
- (b) the total number of people present does not exceed 500,
- (c) the maximum number of people seated at a table does not exceed 12, and
- (d) all people present either—
 - (i) comply with the entry requirements for high-risk venues and events, or
 - (ii) are less than 6 years old.

(3) This section does not apply to an event held in a military catering facility.

Conferences and trade fairs

13. A person organising a conference or a trade fair must ensure that—

- (a) the relevant health and safety guidelines are complied with,
- (b) the number of people simultaneously present at the conference or trade fair does not exceed 70% of the capacity of the venue, and
- (c) all people present either—
 - (i) comply with the entry requirements for medium-risk venues and events, or
 - (ii) are less than 6 years old.

Folk festivals

14.—(1) No person may organise a folk festival that takes place adjacent to a place of worship unless the Chief Officer has granted a licence for the event.

(2) The function of the Chief Officer under subsection (1) is a general delegated function under the Delegation of Functions Ordinance 2007.

(3) The organiser of an event licenced under subsection (1) must ensure that—

- (a) the relevant health and safety guidelines are complied with, and

- (b) all people present either—
 - (i) comply with the entry requirements for low-risk venues and events, or
 - (ii) are less than 6 years old.

Sporting events

15.—(1) A person in charge of a stadium or sports installation, including a football ground, must ensure—

- (a) the relevant health and safety guidelines are complied with,
- (b) the number of spectators present at a match or event does not exceed 70% of the capacity of the venue, and
- (c) all people present either—
 - (i) comply with the entry requirements for medium-risk venues and events, or
 - (ii) are less than 6 years old.

(2) This section does not apply in an area—

- (a) situated on land occupied by the Crown in right of its government of the United Kingdom, and
- (b) in an area to which the general public does not have access.

(3) A person organising a social sporting event such as a marathon, must ensure that the relevant health and safety guidelines are complied with.

(4) A person organising a horse race must ensure that the relevant health and safety guidelines are complied with.

PART 4

Premises, undertakings and businesses

Low-risk venues

16.—(1) A person in charge of a low-risk venue where, in accordance with relevant health and safety guidelines, more than 25 people may gather, must ensure that—

- (a) relevant health and safety guidelines are complied with, and
- (b) all people present either—
 - (i) comply with the entry requirements for low-risk venues and events, or
 - (ii) are less than 6 years old.

(2) For the purposes of the section a “low-risk venue” is—

- (a) a theatre or amphitheatre;
- (b) a cinema;
- (c) a performance venue;
- (d) subject to subsection (3), a retail premises or shopping mall;
- (e) a gaming or betting establishment other than a casino;
- (f) a private education centre;
- (g) an archaeological site;
- (h) a museum;
- (i) a gallery;
- (j) a playground;
- (k) a funfair;

- (l) a theme park;
 - (m) a construction site.
- (3) This section does not apply to the following—
- (a) supermarkets;
 - (b) grocery stores;
 - (c) butchers;
 - (d) fishmongers;
 - (e) bakeries;
 - (f) confectionary shops;
 - (g) kiosks;
 - (h) fruit markets;
 - (i) mini markets.

Medium-risk venues

17.—(1) A person in charge of a medium-risk venue where, in accordance with relevant health and safety guidelines, more than 25 people may gather, must ensure that—

- (a) relevant health and safety guidelines are complied with, and
 - (b) all people present either—
 - (i) comply with the entry requirements for medium-risk venues and events, or
 - (ii) are less than 6 years old
- (2) For the purposes of the section a “medium-risk venue” is—
- (a) a salon, barber, or hairdresser;
 - (b) a tattoo parlour;
 - (c) a hotel or tourist accommodation;
 - (d) a sports facility;
 - (e) a swimming pool.
- (3) This section does not apply to a sports facility or swimming pool—
- (a) on land occupied by the Crown in right of its government of the United Kingdom, and
 - (b) in an area to which the general public does not have access.

Catering premises

- 18.**—(1) A person operating a catering premises must ensure—
- (a) the relevant health and safety guidelines must be complied with,
 - (b) there are no more than 500 people present at any one time, and
 - (c) except as provided by relevant health and safety guidelines, no more than 12 people may be seated at any table.
- (2) A person operating a catering premises which does not have a dancefloor must ensure all people present either—
- (a) comply with the entry requirements for medium-risk venues and events, or
 - (b) are less than 6 years old.
- (3) A person operating a catering premises which has a dancefloor and a capacity of 150 people or more must ensure all people present either—
- (a) comply with the entry requirements for high-risk venues and events, or
 - (b) are less than 6 years old.

(4) This section does not apply to a military catering facility.

Nightclubs, reception halls, discos, music and dance venues etc

19.—(1) A person operating a nightclub, reception hall, disco, music venue or dance venue must ensure—

- (a) the relevant health and safety guidelines are complied with,
- (b) there are no more than 500 people present at any one time, and
- (c) except as provided by relevant health and safety guidelines, no more than 12 people may be seated at any table.

(2) A person operating a nightclub, reception hall, disco, music venue or dance venue with a capacity of less than 150 people must ensure all people present either—

- (a) comply with the entry requirements for medium-risk venues and events, or
- (b) are less than 6 years old.

(3) A person operating a nightclub, reception hall, disco, music venue or dance venue with a capacity of 150 people or more must ensure all people present either—

- (a) comply with the entry requirements for high-risk venues and events, or
- (b) are less than 6 years old.

Number of persons permitted to enter public service or retail premises

20.—(1) Subject to subsections (3), no person operating retail premises or an establishment where services are being provided to the public may, intentionally, recklessly or through lack of reasonable care, permit or suffer the ratio in subsection (2) to exceed 1 person per 4 square metres.

(2) The ratio in this subsection is that of the number of persons present in any area of such establishment that is open to the public to the surface, in square metres, of the floor of that area where the public may be present.

(3) Where a person is required to comply with relevant health and safety guidelines which provide that more than 1 person per 4 square metres may be present in a particular type of establishment, subsection (1) does not apply to a person operating such an establishment.

(4) A person in charge of a retail business with a surface area greater than 500 square metres or a shopping centre must ensure that a person is present at the entrance of the premises to monitor the number of persons entering and leaving the premises to ensure that the maximum number of people permitted in that premises is not exceeded.

Signage

21.—(1) A person operating a retail business, including a shopping centre, must—

- (a) put in place signage within the premises to ensure that a distance of two metres is maintained between customers at shop counters and in queues outside shops.
- (b) display at the entrance to the premises the maximum number of people permitted to be within the premises in accordance with relevant health and safety guidelines and this Ordinance.

(2) A person operating or in charge of a premises providing public services must—

- (a) put in place signage within the premises to ensure that a distance of two metres is maintained between any people on the premises, including staff, and
- (b) display at the entrance to the premises the maximum number of people permitted to be within the premises in accordance with relevant health and safety guidelines and this Ordinance.

Open air markets

- 22.** A person in charge of an open air market must ensure that—
- (a) relevant health and safety guidelines are complied with,
 - (b) the number of people simultaneously present at the market does not exceed 70% of the capacity of the market,
 - (c) a distance of at least 1.5 metres is maintained between people present at the market, and
 - (d) all people present either—
 - (i) comply with the entry requirements for low-risk venues and events, or
 - (ii) are less than 6 years old.

Cinemas, theatres etc

- 23.** A person operating a cinema, theatre, amphitheatre or performance venue must ensure—
- (a) the relevant health and safety guidelines are complied with,
 - (b) the number of people simultaneously present at the venue does not exceed 75% of the capacity of the venue, and
 - (c) all people present comply with the entry requirements for low-risk venues and events.

Casinos

- 24.** A person in charge of a casino must ensure that—
- (a) the relevant health and safety guidelines are complied with,
 - (b) the number of people simultaneously present in the casino does not exceed 50% of the capacity of the casino, and
 - (c) all people present comply with the entry requirements for medium-risk venues and events.

Number or persons permitted to work at a private business

25.—(1) Subject to subsection (3) a person operating a private business must ensure no more than 75% of the total number of employees are physically present at an individual site of a business at any one time.

(2) This section applies to an activity of a business if—

- (a) the business employs more than 10 persons;
- (b) the activity consists of the provision of services.

(3) Subsection (1) does not apply to an activity of a business if the activity consists of any of the following—

- (a) bank services;
- (b) services providing public safety and order;
- (c) services required to monitor and manage the COVID-19 pandemic;
- (d) providing social services and pay allowances and other benefits to citizens;
- (e) ensuring continuous electricity and water supply;
- (f) providing irrigation;
- (g) operating electronic communications systems;
- (h) telecommunications and post offices;
- (i) operating air transports and air traffic control;
- (j) operating sea traffic management and monitoring systems;
- (k) operating civil defence;

- (l) hospitals and related services of the health sector;
- (m) repairing or maintaining equipment and electrical and mechanical installations of national infrastructure;
- (n) managing waste;
- (o) operating ports, or services supporting the operation of ports;
- (p) veterinary services;
- (q) prisons;
- (r) asylum and immigration services;
- (s) insurance services;
- (t) services to provide maintenance and cleaning to buildings and outdoor areas,
- (u) credit acquiring services;
- (v) shipping or services supporting shipping;
- (w) legal services;
- (x) mass media;
- (y) firefighting services;
- (z) private security and the fitting and maintenance of private protection systems.

Rent relief for businesses affected by the prohibition of their activities

26.—(1) This section applies where a person (“the tenant”) is renting premises from another (“the landlord”) under a lease for the purposes of operating a retail business or catering establishment which was prohibited from operating by a provision in the Protection of Public Health (COVID-19) Ordinance 2021(a).

(2) Except where subsections (3) or (5) applies, an obligation, under the lease, to pay rent in respect of the months of January and February 2021 is to apply as if—

- (a) the obligation applied in full only to 30% of the amount of the rent, and
- (b) with regards to the remainder of the amount, the obligation was to pay it in instalments of equal amount to be determined by the tenant.

(3) Where the rent in respect of January 2021 had been paid, an obligation, under the lease, to pay rent in respect of the months of February and March 2021 is to apply as if—

- (a) the obligation applied in full only to 30% of the amount of the rent, and
- (b) with regards to the remainder of the amount, the obligation was to pay the rent in instalments of an equal amount to be determined by the tenant—

(4) An instalment payable under subsection (2) or (3) in any given month is payable—

- (a) if the rent is payable monthly, on the same day as the day when the rent is due, or
- (b) in any other case, on the last day of the month.

(5) Where the landlord is the Crown, in whichever capacity, there is no obligation under the lease, to pay rent in respect of the month of—

- (a) if the rent for January 2021 had not been paid, January and February 2021, or
- (b) otherwise, February and March 2021.

Infected premises

27.—(1) Subject to subsection (6), this section applies where—

(a) Ordinance 2/2021, amended by Ordinances 5/2021, 7/2021, 8/2021, 9/2021, 10/2021, 11/2021, 14/2021, 15/2021, 16/2021, 17/2021, 18/2021, 19/2021, 20/2021, 21/2021, 22/2021, 23/2021, 24/2021, 25/2021, 26/2021, 27/2021, 29/2021, 30/2021 and 31/2021

- (a) a person who has been present, in the past 72 hours, in premises used for an activity to which this section applies has been infected with COVID-19, and
 - (b) the person in charge of the activity knows or ought reasonably to have known the fact referred to in paragraph (a).
- (2) This section applies to the following activities—
- (a) a business, and
 - (b) the activities of a public authority.
- (3) In this section—
- “the person in charge” means a person having control of the business or public authority referred to in subsection (2);
- “the premises” means the premises referred to in subsection (1)(a); and
- “the relevant time” means the time when the person in charge knows, or ought reasonably to have known, the fact referred to in subsection (1)(a), whichever is earlier.
- (4) The person in charge must, as soon as possible after the relevant time, and until completion of the process referred to in subsection (5), take all reasonable steps necessary to—
- (a) prevent the business from operating at the premises, and
 - (b) prevent all persons working for the business from entering the premises, in either case except for the purpose of this section.
- (5) The person in charge must, as soon as possible after the relevant time, cause the premises to be disinfected in accordance with either—
- (a) the relevant health and safety guidelines, or
 - (b) the publication entitled “Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2”, issued by the European Centre for Disease Prevention and Control(a), as amended from time to time.
- (6) This section does not apply where the premises in subsection (1) is a school, kindergarten, nursery or pre-school on land occupied by the Crown in right of its Government of the United Kingdom.

PART 5

Public services, etc

Schools

- 28.**—(1) Subject to subsections (3) to (5), a person in charge of a school must ensure that—
- (a) every child aged between 4 and 5 who is present on the school premises has either—
 - (i) tested negative for COVID-19 (by either PCR or rapid flow test) within the period of 7 days immediately preceding the date on which the evidence is shown,
 - (ii) completed a full course of vaccination against COVID-19, or
 - (iii) recovered from COVID-19 within the 3 months immediately preceding the date and time on which the evidence is shown.
 - (b) every child aged 6 and over who is present on the school premises has either—
 - (i) tested negative for COVID-19 (by either PCR or rapid flow test) within the period of 72 hours immediately preceding the date and time on which the evidence is shown,
 - (ii) completed a full course of vaccination against COVID-19, or

(a) See <https://www.ecdc.europa.eu/en/publications-data/disinfection-environments-covid-19>.

(iii) recovered from COVID-19 within the 3 months immediately preceding the date and time on which the evidence is shown.

(2) In this section “school” means a private or state school of primary or secondary education, a kindergarten, nursery, preschool, special school or special unit of school.

(3) Subsection (1)(a) does not apply to a school on land occupied by the Crown in right of its Government of the United Kingdom.

(4) Where the relevant premises is a school on land occupied by the Crown in right of its Government of the United Kingdom it is the responsibility of the parent or guardian of a child to ensure that when attending school the child complies with the requirements of subsection (1)(b).

(5) Where a child has a medical condition that means they cannot comply with the requirements of subsection (1)(b) the Chief Officer may grant permission for the child to attend school on land occupied by the Crown in right of its Government of the United Kingdom.

(6) In this section “child”, “guardian” and “parent” have the same meaning as in the Children Ordinance(a).

Hospitals etc

29.—(1) No person may visit another person in a hospital unless —

- (a) they have been given permission for the visit by the person in charge of the hospital and either—
 - (i) they comply with the entry requirements for high-risk venues and events, or
 - (ii) they are less than 6 years old.

(2) No person may attend at outpatient facility, clinic, or diagnostic centre unless—

- (a) they have received a booster dose of vaccination against COVID-19,
- (b) they have tested negative for COVID-19 (by either a PCR or rapid flow test) within the 24 hours immediately preceding the visit, or
- (c) they are less than 6 years old.

Residential and support facilities

30.—(1) Subject to subsections (2) and (3) no person (“P”) may visit another person in the indoor areas of the following—

- (a) an old peoples’ home,
- (b) a care home for the elderly,
- (c) a chronic care unit,
- (d) a shelter facility for vulnerable groups.
- (e) a temporary shelter facility for the homeless,
- (f) a day care centre, or
- (g) a childcare facility or child protection unit.

(2) P is permitted to visit another person in a residential facility listed in subsection (1) if P has been given permission for the visit by the person in charge of the facility, and either—

- (a) P complies with the entry requirements for high-risk venues and events, or
- (b) P is less than 6 years old.

(3) P is permitted to visit another person in a non-residential facility listed in subsection (1) if P either—

- (a) complies the entry requirements for medium-risk venues and events, or

(a) Cap.352

(b) is less than 6 years old.

(4) No resident of a residential facility listed in subsection (1) is permitted to leave the residential facility unless authorised by the person in charge of the facility.

(5) No employee of a residential facility listed in subsection (1) may attend work unless they have evidence that either—

- (a) they tested negative for COVID-19 (by either a PCR or rapid flow test) within the preceding 24 hours, or
- (b) they have tested negative for COVID-19 (by either a PCR or rapid flow test) within the preceding 72 hours and either—
 - (i) completed a full course of vaccination for COVID-19, or
 - (ii) recovered from COVID-19 within the three months immediately before the date on which the evidence is shown.

(6) No employee of a non-residential facility listed in subsection (1) is permitted to attend work unless they have evidence that either—

- (a) they have completed a full course of vaccination for COVID-19,
- (b) they recovered from COVID-19 within the three months immediately before the date on which the evidence is shown,
- (c) they have tested negative for COVID-19 by a PCR test within the preceding 72 hours, or
- (d) they have tested negative for COVID-19 by a rapid flow test within the preceding 24 hours.

(7) The person in charge of facility listed in subsection (1) must ensure that relevant health and safety guidelines relating to testing for COVID-19 for staff, visitors, residents and service users are complied with.

Immigration centres

31. A person may not be present in a place approved by the Chief Officer under section 34(1) of the Immigration Ordinance 2020(a), except as a person detained under Part 5 of that Ordinance, unless the person either—

- (a) complies with the entry requirements for medium-risk venues and events, or
- (b) is less than 6 years old.

Courts

32. The person in charge of a court must ensure that the relevant health and safety guidelines are complied with.

Prisons

33. A person may not be present in a prison, except as an inmate, unless the person either—

- (a) complies with the entry requirements for medium-risk venues, or
- (b) is less than 6 years old.

Community councils and municipality councils

34.—(1) Community councils and municipality councils must ensure that no more than 75% of the total number of employees are present at an individual site of the council at any one time.

(2) Community councils and municipality councils may grant special leave by reason of public health to a person employed by them (“the employee”) where—

(a) Ordinance 34/20

- (a) the application of section 20, subsection (1) or of the relevant health and safety guidelines prevent all the employees of the council from being present at their normal workplace, and
 - (b) it is not possible for the employee to do the work remotely.
- (3) Community councils and municipality councils must ensure that, as between employees, subsection (2) is applied fairly.
- (4) Subject to subsection (5) and (6), an employer must allow to work remotely those of its employees who—
- (a) are being required to isolate under—
 - (i) regulation 8 or 9 of the Quarantine (Public Health) Regulations(a), or a legislative provision of the Republic having substantially the same effect on the territory of the Republic, or
 - (ii) the Quarantine (Measures to Prevent the Spread of COVID-19) (No.3) Regulations 2020(b) or a legislative provision of the Republic having substantially the same effect on the territory of the Republic,
 - (b) need to be absent from their normal workplace as a result of the application of section 27, or
 - (c) need to act as carers for a child aged under 16 or a person who has a disability—
 - (i) who are being required to isolate under anything done under any of the provisions referred to in paragraph (a), or
 - (ii) whose school is, for the time being, closed as a measure to prevent the spread of COVID-19.
- (5) Where subsection (4) applies the employer must—
- (a) if the employee is of a description to which subsection (4)(c) applies, allow the employee to take special leave of absence by reason of public health,
 - (b) if it is not reasonably possible to allow the employee to work from home, allow the employee to take special leave of absence for reasons of public health if the employee—
 - (i) is required to isolate under—
 - (aa) regulation 9 of the Quarantine (Public Health) Regulations, as a result of having come into contact with an infected person during the course of their employment,
 - (bb) a legislative provision of the Republic having the same effect on the territory of the Republic, as a result of having come into contact with any infected person during the course of their employment, or
 - (cc) the provisions referred to in subsection (4)(a)(ii), as a result of returning to the island of Cyprus from travel undertaken in the course of their employment, or
 - (ii) is of a description to which subsection (4)(b) applies, or
 - (iii) is of a description to which subsection (4)(c)(ii) applies, and it is not reasonably possible to allow the employee to work from home, allow the employee to take special leave of absence by reason of public health, unless—
 - (aa) the other parent of the child has been granted special leave of absence by reason of public health,
 - (bb) the person making the application is part of the staff of the health services of the council, and the other parent of the child is also employed by the council, but not in health services, or

(a) Cap.145
 (b) PI 6/2020, as amended by PI 01/2021

- (c) in any other case if it is not reasonably possible to allow the employee to work remotely, allow the employee to either—
 - (i) take sickness leave, or
 - (ii) in exceptional circumstances, take special leave of absence for reasons of public health.

(6) A community or municipality council must grant the employee special leave by reason of public health where—

- (a) acting reasonably and fairly, it has decided not to allow the employee to work on a site of the employer for the purposes of complying with section 16 or with relevant health and safety guidelines, or of preventing the incidence or spread of COVID-19,
- (b) the employee is fit to perform their tasks under the contract of employment, and
- (c) it is not reasonably possible to allow the employee to work from home remotely.

(7) Subsection (4)(a) only applies if the employee holds a Medical Certificate of Absence from Work for Public Health Reasons delivered by the authorities of the Republic.

(8) Where an employee is granted special leave for reasons of public health under this section, the employer must pay the employee, in respect of the time spent in special leave for reasons of public health, at least 60% of the employee's salary.

(9) Time spent on special leave for reasons of public health under this section is considered to be time spent in the employer's employment for the purposes of any pension, retirement gratuities, Provident Funds and payment of increments, thirteenth salary and promotion.

(10) Subsection (11) applies where—

- (a) the factors increasing the risk of becoming seriously ill upon contracting COVID-19, as determined by the relevant health and safety guidelines, are present in relation to an employee, and
- (b) it is not possible for the employee to keep from other persons the distances prescribed by the relevant health and safety guidelines.

(11) Where this subsection applies, the employer must allow the employee to work remotely, unless it is not reasonably possible to do so.

(12) Where subsection (11) does not apply because it is not reasonably possible to allow the employee to work remotely, the employer must grant the employee special leave for reasons of public health.

(13) Subject to subsection (15), where the prevalence of COVID-19 has prevented the employee of a community council or a municipality council to take any part of their annual leave entitlement for the year 2020, the untaken annual leave entitlement is carried over to the year 2021, in addition to any other leave that the employee is entitled to carry over.

(14) Subject to subsection (15), where the prevalence of COVID-19 has prevented the employee of a community council or a municipality council to take any part of their annual leave entitlement for the year 2021, the untaken annual leave entitlement is carried over to the end of the year 2022, in addition to any other leave that the employee is entitled to carry over.

(15) The sum of the number of days of annual leave carried over under subsections (13) and (14) may not exceed 20.

PART 6

Transport

Requirements when travelling in a motor vehicle

35. A person travelling in a motor vehicle must comply with relevant health and safety guidelines.

Relevant health and safety guidelines for operating a ferry etc.

36. The person operating the following must ensure that all passengers and crew comply with the entry requirements for low-risk venues and events, and that relevant health and safety guidelines are complied with—

- (a) a ferry,
- (b) an amateur fishing vessel, or
- (c) a vessel being used for the purpose of diving or other water sports.

PART 7

Health Professionals

Power to give instructions to doctors, surgeons and nurses

37.—(1) Any person authorised to practice medicine, surgery or nursing, by or under the Medical Practitioners Ordinance 1964(a) or the Nursing and Midwifery Ordinance 1964(b), must carry out such practice in accordance with any instructions given by the Chief Officer for the purposes of preventing the spread of COVID-19.

(2) Subsection (1) does not apply to—

- (a) any person who is employed by the Crown or an authorised service organisation as a medical practitioner, and
- (b) any person who is employed by the Crown or an authorised service organisation as a nurse or midwife.

(3) Instructions given under subsection (1) may relate to practice of the person outside the Areas.

(4) The functions of the Chief Officer under subsection (1) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(c).

(5) Despite any provision of the Medical Practitioners Ordinance 1964, any person may perform, in the Areas, any medical or surgical act which that person could perform in the Republic by virtue of paragraph 2.26 of the Quarantine (Determination of Measures of the Prevention of the Spread of Corona Virus COVID-19) Order (No. 2) of 2021 of the Republic(d).

(6) Despite any provision of the Nursing and Midwifery Ordinance 1964, any person may perform, in the Areas, any nursing act which that person could perform in the republic by virtue of paragraph 2.26 of the Quarantine (Determination of Measures of the Prevention of the Spread of Corona Virus COVID-19) Order (No. 2) of 2021 of the Republic.

PART 8

Enforcement

Offences and penalties

38.—(1) A person (“P”) commits an offence if—

- (a) P fails without reasonable excuse to comply with a restriction or requirement imposed by or under this Ordinance, or

(a) Ordinance 10/1964
(b) Ordinance 20/1964
(c) Ordinance 17/2007
(d) PI 6/2021

- (b) P is in a place where a person is required to present evidence of their COVID-19 vaccinations, COVID-19 recovery or negative test for COVID-19 and P fails to produce such evidence when requested by a police officer or the person who owns or operates that place.

(2) Subject to subsection (4), any person contravening any of the restrictions or requirements imposed by or under this Ordinance is guilty of an offence and on conviction thereof is liable to imprisonment not exceeding six months or to a fine not exceeding €3000.

(3) If any offence under subsection (1) committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,
- (c) the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(4) In the case of an offence consisting of a breach of an interim order imposed under section 37, the maximum fine to which the offender is liable is €20,000.

(5) In subsection (3), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Interim ex parte orders

39. A police officer may make an ex-parte application to the Resident Judge’s Court for an interim order to suspend operation of a business where a person has been charged with an offence under the provisions of this Ordinance related to the operation of the business, if that person—

- (a) controls the business or,
- (b) is an officer of a body corporate that controls the business.

(2) Where an application is made under subsection (1), the Court may make the order applied for where it appears to be just and convenient to do so.

Detained persons

40.—(1) For the purpose of preventing or protecting against the incidence or spread of COVID-19, a police officer or prison officer may require a person remanded in police custody or a prisoner serving a prison sentence to submit to—

- (a) a COVID-19 test,
- (b) a medical examination by a medical practitioner at a time and place specified by the police officer or prison officer, or
- (c) both.

(2) For the purpose of preventing or protecting against the incidence of spread of COVID-19, an immigration officer may require a person detained under Part 5 of the Immigration Ordinance 2020 at a place approved by the Chief Officer under section 34(1) of that Ordinance to submit to—

- (a) a COVID-19 test,
- (b) a medical examination by a medical practitioner at a time and place specified by the immigration officer, or
- (c) both.

PART 9
Final provisions

Repeals

41.—(1) The following Ordinances are repealed—

- (a) Protection of Public Health (COVID-19) (No.2) Ordinance 2021**(a)**.
- (b) Protection of Public Health (COVID-19) (No.2) (Amendment) Ordinance 2021**(b)**.
- (c) Protection of Public Health (COVID-19) (No.2) (Amendment No.2) Ordinance 2021**(c)**.
- (d) Protection of Public Health (COVID-19) (No.2) (Amendment No.3) Ordinance 2021**(d)**.
- (e) Protection of Public Health (COVID-19) (No.2) (Amendment) Ordinance 2022**(e)**.
- (f) Protection of Public Health (COVID-19) (No.2) (Amendment No.2) Ordinance 2022**(f)**.

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- (a) Ordinance 32/2021.
 - (b) Ordinance 34/2021.
 - (c) Ordinance 35/2021.
 - (d) Ordinance 36/2021.
 - (e) Ordinance 01/2022.
 - (f) Ordinance 02/2022.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Protection of Public Health (COVID-19) Ordinance 2022 (“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.

3. The purpose of the Ordinance is to mirror provisions in the Quarantine (Measures to Prevent the Spread of the Coronavirus COVID-19)(Order No.13) of 2022 of the Republic (PI 100/2022).

4. Section 3 (Application) provides that the requirements of this Ordinance do not apply to the extent that they would make it impossible to achieve, to a satisfactory standard, the purposes specified in subsection 3(2). These are military activities, or the prevention or detection of crime, or the apprehension or prosecution of offenders, by the Sovereign Base Areas Police Service or the Sovereign Base Areas Customs and Immigration Service. Section 3(3) provides that the Ordinance binds the Crown, except for its section 38, which concerns criminal offences.

5. Section 4 (Relevant health and safety guidelines) provides the health and safety requirements under which all undertakings must operate.

6. Section 5 (Masks) sets out the circumstances in which masks must be worn.

7. Section 6 (Requirements for employees) sets out the COVID-19 related requirements for employees and self employed people in their places of work.

8. Section 7 ((Leave entitlement to receive a COVID-19 vaccination) makes provision for a person to receive a day of leave on a day where they receive a vaccination for COVID-19 or on a day where they escort a child in their care to receive such a vaccination.

9. Section 8 (Price caps) provides the maximum prices that can be charged for COVID-19 tests.

10. Section 9 (Mass events and gatherings) prohibits mass events such as concerts and parades except where they are permitted under a provision of this Ordinance, where the Republic has issued guidelines for the event, or where the Chief Officer has granted permission for the event to take place.

11. Section 10 (Places of residence) restricts the maximum number of people permitted to be present in a place of residence to 30, except where the Chief Officer has granted permission for an event to be held at the residence.

12. Section 11 (Religious worship) sets out the maximum number of persons permitted to be present at places of religious worship.

13. Section 12 (Events including weddings and christenings) provides for the maximum numbers of people who may attend and the conditions under which such events may take place.

14. Section 13 (Conferences and trade fairs) sets out the conditions under which a conference or trade fair may take place.

15. Section 14 (Folk festivals) provides the conditions under which a folk festival, held in a place adjacent to a place of worship may take place.

16. Section 15 (Sporting events) sets out the conditions under which a sporting event at a stadium or sports installation may take place.

17. Section 16 (Low-risk venues) lists venues considered to be low-risk in relation to COVID-19 and provides the conditions for their operation.

18. Section 17 (Medium-risk venues) lists venues considered to be medium-risk in relation to COVID-19 and provides the conditions for their operation.

19. Section 18 (Catering Premises) provides the conditions under which catering premises may operate.

20. Section 19 (Nightclubs, reception halls, discos, music and dance venues) provides the maximum of people permitted to be present at these venues and the conditions under which the venues may operate.

21. Section 20 (Number of persons permitted to enter public service or retail premises) provides the maximum number of persons permitted to be present on the premises providing public or retail services.

22. Section 21 (Signage) provides for the relevant signs that a retail business must display at their premises.

23. Section 22 (Open air markets) provides the conditions under which an open air market may operate.

24. Section 23 (Cinemas, theatres etc) provides the conditions under which cinemas, theatres, amphitheatres and similar venues may operate.

25. Section 24 (Casinos) provides the conditions under which casinos may operate.

26. Section 25 (Number of persons permitted to work at a private business) makes provisions requiring a certain number of employees, in private businesses to work remotely, subject to a number of exceptions.

27. Section 26 (Rent relief for businesses affected by the prohibition of their activities) provides for rent cancellation, or delays in payment, for businesses affected by the suspension of their operation by provisions of Ordinances designed to protect against the transmission of COVID-19.

28. Section 27 (Infected premises) sets out the actions to be taken if case of COVID-19 is discovered in the premises of a business or public authority.

29. Section 28 (Schools) sets out requirements for attending schools.

30. Section 29 (Hospitals etc) sets out the restrictions in relation to visiting a person in a hospital or similar premises.

31. Section 30 (Residential and support facilities) provides the conditions under which residential or support facilities for elderly or vulnerable people must operate.

32. Section 31 (Immigration centres) provides the COVID-19 related entry requirements for an immigration centre.

33. Section 32 (Courts) provides for how courts should operate in relation to COVID-19.

34. Section 33 (Prisons) provides the COVID-19 related requirements for a person, other than a prisoner, entering a prison.

35. Section 34 (Community councils and municipality councils) provides for what employees of community councils and municipality councils are entitled to, and the obligations of employers.

36. Section 35 (Requirements when travelling in a motor vehicle) requires any person travelling in a motor vehicle to comply with the relevant health and safety guidelines.

37. Section 36 (Relevant health and safety guidelines for operating a ferry etc) provides the conditions under which a person may operate a ferry or recreational boat.

38. Section 37 (Power to give instructions to doctors, surgeons and nurses) provides a power to allow the Chief Officer to instruct doctors, surgeons and nurses to carry out certain actions.

39. Section 38 (Offences and penalties) provides the offences and penalties associated with the failure to comply with any of the provisions of the Ordinance.

40. Section 39 (Interim ex parte orders) provides that an ex parte application can be made against a business that fails to comply with requirements under the Ordinance.

41. Section 40 (Detained persons) provides the COVID-19 testing requirements for persons who are detained by the police or customs officials.

42. Section 41 (Repeals) repeals various other ordinances which dealt with matters similar to the Ordinance.

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