

Ordinance 08 of 2022

Published in Gazette No. 2019 of 14 April 2022

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

An Ordinance to amend the Protection of Public Health (COVID-19) Ordinance 2022

R. Thomson
ADMINISTRATOR

14 April 2022

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

Short title and commencement

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

(2) Subject to subsection (3), this Ordinance comes into force on 16 April 2022.

(3) Section 10(2)(a) comes into force on 18 April 2022.

Amendment of the Protection of Public Health (COVID-19) Ordinance 2022

2. The Protection of Public Health (COVID-19) Ordinance 2022(a) is amended as follows.

(a) Ordinance 04/2022.

Amendment of section 2 (interpretation)

3.—(1) In section 2(1)—

- (a) before the definition of “booster dose”, insert—

“the Public Health Regulations” means the Quarantine (Public Health) Regulations(a);

- (b) after the definition of “full course of vaccination”, insert—

“isolated person” means a person to whom an instruction has been given under regulation 8(1) of the Public Health Regulations.

(2) After section 2(6), insert—

“(7) Subsections (9) to (11) apply where an isolated person (IP) has been given permission by the Chief Officer under regulation 8(4)(b) of the Public Health Regulations to leave the premises where IP is isolated under that regulation.

(8) Subsection (9) applies where the performance of the critical public function in relation to which the permission referred to in subsection (7) has been given makes it necessary for the person to work in a workplace where a provision of this Ordinance requires persons to comply, or to ensure that other persons comply, with the entry requirements for low-risk venues and events, medium-risk venues and events or high-risk venues and events.

- (9) Where this subsection applies—

- (a) a failure by IP to comply with the requirements referred to in subsection (8) while being present in the workplace referred to in that subsection is not a failure to comply with a restriction or requirement of this Ordinance, and
- (b) a failure by a person to ensure that IP complies with those requirements while being present in that workplace is not a failure to comply with a restriction or requirement of this Ordinance.

(10) Subsection (11) applies only where the performance of the critical public function in relation to which the permission has been given makes it necessary for the person to be present in a place where the relevant health and safety guidelines require persons to be present only if they comply with requirements relating to vaccination against COVID-19, recovery from COVID-19, or testing negative from COVID-19.

(11) Where this subsection applies, a failure by IP to comply with the requirements referred to in subsection (10) while being present in the place referred to in that subsection is not a failure to comply with a restriction or requirement of this Ordinance.”

Amendment of section 5 (masks)

4. In section 5(1)—

- (a) for “one” substitute “two”; and
- (b) omit “or two or more people are in the presence of each other.”.

Amendment of section 6 (requirements for employees)

5. Omit section 6.

Amendment of section 9 (mass gatherings and events)

6. In section 9—

- (a) in subsection (2)(b), before “guidelines” insert “relevant health and safety”;
- (b) after subsection (2), insert—

(a) Subsidiary Legislation of Cyprus revised edition volume 1, 1954, page 259, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Interpretation ordinance 2012 (8/2012), amended by P.I. 2/2010, 1/2020, 9/2021 and xxx.

“(2A) Where the Republic have issued relevant health and safety guidelines on any events or gatherings listed in subsection (1), a person organising or attending any such event or gathering must comply with the relevant health and safety guidelines.”

Amendment of section 11 (religious worship)

7. In section 11, for “regulations” substitute “guidelines”.

Amendment of section 12 (events including weddings and christenings)

8. In section 12 (events including weddings and christenings) for both occurrences of “regulations” substitute “guidelines”.

Amendment of section 14 (folk festivals)

9. For section 14(3) substitute—

“(3) The organiser of an event licenced under subsection (1) must ensure that the relevant health and safety guidelines are complied with.”

Amendment of section 16 (low-risk venues)

10.—(1) In section 16(1)—

- (a) in paragraph (a), after the comma, insert “in respect of all the venues listed in subsections (2) and (3);”; and
- (b) at the beginning of paragraph (b) insert “in respect of all the venues listed in subsection (2);”;

(2) In section 16(2), omit—

- (a) paragraph (d);
- (b) paragraphs (g) to (i); and
- (c) paragraph (m).

(3) For section 16(3) substitute—

“(3) For the purposes of subsection (1)(a), a “low-risk venue” also includes—

- (a) an archaeological site;
- (b) a museum;
- (c) a gallery; and
- (d) a construction site.”

Amendment of section 18 (catering premises)

11. In section 18(1), after “catering premises” insert “(including any catering premises within a shopping mall, hotel, sports or social club, etc.)”.

Amendment of section 23 (cinemas, theatres etc)

12. In section 23—

- (a) at the end of paragraph (a), insert “and”; and
- (b) omit paragraph (b).

Amendment of section 24 (casinos)

13. In section 24(b), for “50%” substitute “70%”.

Amendment of section 25 (number of persons permitted to work at private businesses)

14. Omit section 25.

Amendment of section 27 (infected premises)

15.—(1) In section 27(1), for “subsection (6)”, substitute “subsections (6) and (7)”.

(2) After section 27(6), insert—

“(7) This section does not apply where—

- (a) the person referred to in subsection (1)(a) is an isolated person who has been given permission by the Chief Officer under regulation 8(4)(b) of the Public Health Regulations to leave the premises where they are isolated under that regulation, and
- (b) the premises referred to in that subsection are premises where the performance of the critical public function in relation to which the permission has been given makes it necessary for the person to work.”

Amendment of section 28 (schools)

16.—(1) After subsection 28(1), insert—

“(1A) Subject to subsection (3), a person in charge of a school must ensure that, when a child aged 4 years old is present on school premises on 2 May 2022 the child has tested negative for COVID-19 (by either a PCR or rapid flow test) on 30 April 2022, 1 May 2022, or at any time on 2 May 2022 before the first time when the child was present on school premises on that day.

(2) In subsection (3), for “Subsection (1)(a) does”, substitute “Subsections (1)(a) and (1A) do”.

Amendment of section 29 ((hospitals etc)

17.—(1) For section 29(1), substitute—

“(1) Subject to any relevant health and safety guidelines, a person (“visitor”) may only visit another person in hospital if—

- (a) no other person is visiting that other person for the time being; and
- (b) either—
 - (i) the visitor has provided the hospital with evidence that the visitor has, within the 24 hours immediately preceding the visit, tested negative for Covid-19 by either PCR or rapid flow test; or
 - (ii) the visitor is under 6 years old.”

(2) After section (2), insert—

“(3) Subject to subsection (5), no person may work in a hospital, clinic, surgery, outpatient facility, diagnostic centre medical centre medical practice, dental practice, facility for the taking of medical samples from patients or any other establishment providing medical care or services whether on an out-patient or in-patient basis unless they comply with the entry requirements for high-risk venues and events.

(4) A person in charge of a facility referred to in subsection (3) must ensure that all persons working there comply with that subsection.

(5) Subsection (3) does not apply where the establishment is situated on land occupied by the Crown in right of its government of the United Kingdom

(6) Subject to subsection (7), no person may work as a healthcare practitioner unless they comply with the requirements for high-risk venues and events.

(7) Subsection (7) does not apply to a health practitioner working for the Crown in right of its government of the United Kingdom.”

Amendment of section 30 (residential and support facilities)

18. In section 30 (residential and support facilities), omit subsection (4).

Amendment of section 34 (community councils and municipality councils)

19. In section 34—

- (a) omit subsection (1);
- (b) in subsection (2)(a), omit “, subsection (1); and
- (c) in subsection (4)(a), delete “or 9”.

Amendment of section 38 (Offences and penalties)

20.—(1) At the beginning of section 38(1)(b), insert “Subject to subsection (1A).

(2) After subsection (1), insert—

“(1A) A person is not guilty of an offence under subsection (1)(b) if—

- (a) the person is an isolated person (IP) who has been given permission by the Chief Officer under regulation 8(4)(b) of the Public Health Regulations to leave the premises where IP is isolated under that regulation,
- (b) the performance of the critical public function in relation to which the permission has been given makes it necessary for the person to be present in the place referred to in subsection (1)(b), and
- (c) the person presents to the police officer, owner or operator referred to in that subsection evidence of the fact referred to in paragraph (a).”

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Protection of Public Health (COVID-19) (Amendment) 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 Ordinance amends a number of provisions in the Protection of Public Health (COVID-19) Ordinance 2022 (“the principal Ordinance”).

4. Section 3 relates to persons required to isolate under the Quarantine (Public Health) Regulations who have been given permissions by the Chief Officer to leave their place of isolation to undertake a critical public function. The new provisions provide that the requirements of the principal Ordinance relating to vaccination, recovery and testing are disapplied where necessary to allow the person to undertake that function

5. Section 4 removes the requirement in section 5 of the principal Ordinance for people to wear masks outdoors.

6. Section 5 removes COVID-19 requirements for employees and self-employed people in relation to work carried out at their places of work. There are some exemptions to this which are covered in other sections of the principal Ordinance (including those working in hospitals and residential and non-residential establishments caring for vulnerable people).

7. Sections 6 to 8 make minor amendments to clarify references to the relevant health and safety guidelines.

8. Section 9 removes the COVID-19 entry requirements for those attending folk festivals adjacent to places of worship.

9. Section 10 removes COVID-19 entry requirements in respect of retail premises, shopping malls, archaeological sites, museums, galleries and construction sites.

10. The entry requirements for catering premises remain and section 11 makes a minor amendment to the principal Ordinance to make this clear.

11. Section 12 removes the 75% capacity limit for cinemas and theatres.

12. Section 13 increases the number of people being able to be present in a casino from 50% of full capacity to 70%.

13. Section 14 removes the restrictions of the number of people who are able to work at an individual site of a private business.

14. Section 15 removes the requirement to prevent any person from working on premises (until properly disinfected) where a person who is infected by the COVID-19 virus, but who has been given permission by the Chief Officer to leave their place of isolation to undertake a critical public function, has been present on those premises.

15. Section 16 inserts a requirement that all children of 4 years or over must have tested negative for COVID-19 within the 48 hours immediately before their return to or start at a school on 2nd May 2022 after the Cypriot Easter break. This requirement does not apply to schools on land occupied by the UK Government.

16. Section 17 makes amendments that allow visits to hospitals to take place on condition that only one person at a time may visit a patient and the visitor has tested negative (following a PCR or rapid flow test) within the 24 hour period immediately before the visit.

17. Section 17 also inserts a provision into the principal Ordinance that requires those working in hospitals and all other types of medical establishments, and healthcare practitioners, to comply with the high-risk COVID-19 requirements before being able to do so. Those requirements do not apply in medical establishments on land occupied by the UK Government, or to healthcare practitioners employed by the UK Government

18. Section 18 removes requirement for residents of care and support facilities to obtain permission from the manager of the facility if they wish to spend the night outside of the facility.

19. Section 19 relates to community and municipality councils. It removes the limit on the number of employees that can be present in the workplace and makes a minor amendment for consistency with the Quarantine (Public Health) Regulations.

20. Section 20 makes amendments to the offence provisions in the principal Ordinance in respect of people who have been instructed to isolate in particular premises under the Quarantine (Public Health) Regulations but who have been given permission by the Chief Officer to work elsewhere in order to carry out a critical public function. Those persons are exempted from the obligation to provide evidence of their COVID-19 vaccinations, COVID-19 recovery or negative test for COVID-19.

SBA/AG/2/H/180(B)
