

**Ordinance 03 of 2023**

**Published in Gazette No. 2060 of 23 May 2023**

---

**PROTECTION OF PUBLIC HEALTH (COVID-19)  
ORDINANCE 2023**

---

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

PJM Squires OBE  
**ADMINISTRATOR**

*22 May 2023*

**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) Ordinance 2023.

(2) This Ordinance comes into force on 24 May 2023.

**Interpretation**

**2.**—(1) In this Ordinance—

“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;

(2) 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.

(3) 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).

(4) Where relevant health and safety guidelines require a person to present a certificate of recovery from COVID-19, evidence that the person has recovered from COVID-19 in the 90 days immediately before the date and time on which the evidence is shown will be deemed to be a valid certificate.

(5) 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 8 this Ordinance binds the Crown.

### **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.

### **Price caps**

5.—(1) No person may sell or offer for sale a Coronavirus COVID-19 molecular test at a price above €25, not including VAT.

(2) No person may sell or offer for sale a rapid antigen test for Coronavirus COVID-19 at a price above €5, not including VAT.

(3) No person may sell or offer for sale a single self-test for Coronavirus COVID-19 at a price above €1.70, not including VAT.

(4) No person may sell or offer for sale a pack of 5 self-tests for Coronavirus COVID-19 at a price above €6, not including VAT.

### **Residential and support facilities**

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

---

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

- (a) an old peoples' home,
- (b) a care home for the elderly,
- (c) a chronic care unit, or
- (d) a shelter facility for vulnerable groups.

(2) P may visit a resident of a facility listed in subsection (1) if either —

- (a) P is less than 12 years old, or
- (b) P is in possession of evidence that they have tested negative for COVID-19 by either a PCR test or rapid flow test within the preceding 72 hours.

(3) Subject to subsection (4), where two or more persons are in the presence of each other in the indoor area of a facilities listed in subsection (1), all visitors aged 12 or over and employees must wear a facemask.

(4) Subsection (3) does not apply to persons exempted from the requirement to wear a mask on medical grounds.

(5) 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.

### **Detained persons**

7.—(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.

### **Offences and penalties**

8.—(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
- (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 9, 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**

**9.** 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.

### **Repeals**

**10.—**(1) The following Ordinances are repealed—

- (a) Protection of Public Health (COVID-19) Ordinance 2022(a).
- (b) Protection of Public Health (COVID-19) (Amendment) Ordinance 2022(b).
- (c) Protection of Public Health (COVID-19) (Amendment) (No.2) Ordinance 2022(c).
- (d) Protection of Public Health (COVID-19) (Amendment) (No.3) Ordinance 2022(d).
- (e) Protection of Public Health (COVID-19) (Amendment) (No.4) Ordinance 2022(e).
- (f) Protection of Public Health (COVID-19) (Amendment) (No.5) Ordinance 2022(f).
- (g) Protection of Public Health (COVID-19) (Amendment) (No.6) Ordinance 2022(g).
- (h) Protection of Public Health (COVID-19) (Amendment) (No.7) Ordinance 2022(h).
- (i) Protection of Public Health (COVID-19) (Amendment) (No.8) Ordinance 2022(i).
- (j) Protection of Public Health (COVID-19) (Amendment) (No.9) Ordinance 2022(j).
- (k) Protection of Public Health (COVID-19) (Amendment) (No.10) Ordinance 2022(k).
- (l) Protection of Public Health (COVID-19) (Amendment) Ordinance 2023(l).

- 
- (a) Ordinance 04/2022.
  - (b) Ordinance 08/2022.
  - (c) Ordinance 09/2022.
  - (d) Ordinance 17/2022.
  - (e) Ordinance 18/2022.
  - (f) Ordinance 19/2022.
  - (g) Ordinance 20/2022.
  - (h) Ordinance 22/2022.
  - (i) Ordinance 23/2022.
  - (j) Ordinance 24/2022.
  - (k) Ordinance 26/2022.
  - (l) Ordinance 01/2023.

## **EXPLANATORY NOTE**

*(This note is not part of the Ordinance)*

**1.** This explanatory note relates to the Protection of Public Health (COVID-19) Ordinance 2023 (“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.5) of 2023 of the Republic (PI 100/2022) as amended by PI 138/2023.

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

**7.** Section 6 (Residential and support facilities) provides the conditions under which residential or support facilities for elderly or vulnerable people must operate.

**8.** Section 7 (Detained persons) provides the COVID-19 testing requirements for persons who are detained by the police or customs officials.

**9.** Section 8 (Offences and penalties) provides the offences and penalties associated with the failure to comply with any of the provisions of the Ordinance.

**10.** Section 9 (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.

**11.** Section 10 (Repeals) repeals various other ordinances which dealt with matters similar to the Ordinance.

**SBA/AG/2/H/180B**

---

Published by the Sovereign Base Areas Administration

The Sovereign Base Areas Gazette may be viewed on the official Sovereign Base Area Administration web site:  
<https://sbaadministration.org/>