



**SUPPLEMENT No. 3**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1628 of 6th October 2011**  
**SUBSIDIARY LEGISLATION**

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**PRISON (GENERAL) (AMENDMENT) REGULATIONS 2011**

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The Administrator makes the following Regulations in exercise of the powers under section 9(1) of the Prisons Ordinance 1971(a).

**Citation commencement and interpretation**

1. (1) These Regulations may be cited as the Prison (General) (Amendment) Regulations 2011 and come into force on 17 October 2011.

(2) In these Regulations the “principal Regulations” means the Prison (General) Regulations 2005(b).

**Regulation 48 revoked**

2. Regulation 48 (Forcible feeding) of the principal Regulations is revoked.

**Regulation 49 revoked and replaced**

3. Regulation 49 (Particulars of prisoners forcibly fed) of the principal Regulations is revoked and replaced with—

**“Particulars of prisoners refusing food**

49. (1) The Superintendent is to keep a record of the following particulars of every prisoner who refuses food—

- (a) name and age;
- (b) offence for which the prisoner has been convicted;
- (c) reason, if any, given by the prisoner for refusing food;
- (d) date on which the prisoner started refusing food; and
- (e) date upon which prisoner resumed taking food.

(2) If a prisoner refuses food for a continuous period of more than 48 hours, the person immediately in charge of the prisoner is to forward to the Superintendent—

- (a) the particulars set out in paragraph (1)(a) to (d); and
- (b) a report by the Medical Officer on the physical and mental condition of the prisoner.

(3) The person immediately in charge of the prisoner and the Medical Officer are each to provide a daily update to the Superintendent for so long as the prisoner continues to refuse food.

(4) The reports referred to in paragraph (3) may be provided in a single document.

(5) The person immediately in charge of the prisoner is to notify the Superintendent as soon as the prisoner resumes taking food and a report is to be submitted by the Medical Officer to the Superintendent as to the effect on the prisoner of the refusal to take food.”

**Regulation 122 revoked and replaced**

4. Regulation 122 (Report to the Chairman of the Board) of the principal Regulations is revoked

and replaced with—

**“Reports**

**122.** (1) The Prison Board is to report to the Administrator—

- (a) annually on its work; and
- (b) immediately on any matter on which it considers ought to be drawn to the Administrator’s attention.

(2) If a matter prejudicial to the discipline of the prison or to the health of a prisoner comes to the knowledge of any member of the Prison Board, that member is to immediately report the matter to the Chairman of the Board.”.

**Schedule 1 revoked and replaced**

5. Schedule 1 of the principal Regulations is revoked and replaced with—

**“Schedule 1**

**Regulation 82**

1. Committing an assault.
2. Detaining any person against his or her will.
3. Escaping from lawful custody.
4. Using any threatening, abusive, insulting or racist words or behaviour.
5. Displaying, attaching or drawing on any part of the prison, or any other property, threatening, abusive, insulting or racist words, drawings, symbols or other material.
6. Intentionally or recklessly endangering the health or personal safety of others.
7. Threatening or insulting an officer of the prison or making a false or malicious allegation against an officer.
8. Being absent from any place where he or she was instructed to be or being present in a place where he or she is not authorised to be.
9. Failing to return to the prison either after being temporarily released from the prison or after having been placed in a working-out scheme or failing to comply with any condition of such release or employment.
10. Disobeying a lawful order or refusing or neglecting to conform to a rule or regulation of the prison.
11. Communicating with any person without authorisation.
12. Fighting or otherwise behaving in a disorderly manner.
13. Showing disrespect to any officer of the prison or any person (other than a prisoner) working at or visiting the prison.
14. Possessing, receiving, or attempting to receive an unauthorised article.
15. Selling or delivering to a person an unauthorised article.
16. Wilfully damaging or disfiguring any part of the prison or any property not his or her own.
17. Consuming alcohol.
18. Possessing or consuming a controlled drug as defined in the Narcotic Drugs and Psychotropic Substances (Consolidation) Ordinance 2006(c).
19. Being idle, careless or negligent at work or refusing to work.
20. Failing to—
  - (a) keep his or her clothing and bedding clean and tidy;
  - (b) keep his or her clothing and person clean.
21. Attempting to commit or inciting or assisting another prisoner to commit or to attempt to commit any of the offences in this Schedule.”.

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Dated this 5th day of October 2011.

By the Administrator's Command,  
J. S. Wright,  
Chief Officer,  
Sovereign Base Areas.

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(SBA/AG/2/CR/188/1)

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**Notes**

- (a) Ordinance 11/71.
- (b) Public Instrument 47/05.
- (c) Ordinance 16/06.

## EXPLANATORY NOTE

### **(This note does not form part of the Regulations)**

1. This explanatory note relates to the Prison (General) (Amendment) Regulations 2011 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a regulation or part of a regulation does not seem to require any explanation or comment, none is given.
3. The Regulations amend the Prison (General) Regulations 2005 by—
  - a. revoking the provisions which permitted a prisoner to be forcibly fed;
  - b. revoking and replacing the list of disciplinary offences applicable to prisoners;  
and
  - c. specifying the minimum frequency with which the Prison Board must report to the Administrator.

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**POLICE AND PRISON OFFICERS (PENSIONS) (AMENDMENT) REGULATIONS 2011**

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The Chief Constable and Superintendent of Prisons, with the approval of the Administrator, makes the following Regulations exercising the powers under section 9 of the Police Ordinance 2007(a) and sections 11 and 15 of the Prisons Ordinance 1971(b).

**Citation and commencement**

1. (1) These Regulations may be cited as the Police and Prison Officers (Pensions) (Amendment) Regulations 2011 and come into force on 6 October 2011.

(2) These Regulations are to have effect as if they came into force on 7 September 2010.

**Regulation 4 amended**

2. Paragraph (2)(h) of Regulation 4 (Circumstances in which pension may be granted) of the Police and Prison Officers (Pensions) Regulations 2009(c) (“the principal Regulations”) is amended by revoking “regulation 11(2)” and replacing it with “regulation 11 or 11A”.

**Regulation 5 revoked and replaced**

3. Regulation 5 (Entitlements on compulsory retirement) of the principal Regulations is revoked and replaced with—

**“Entitlements on retirement**

5. (1) Subject to these Regulations, an officer who has 5 years or more qualifying service in the combined service is paid on retirement under regulation 4(2)(f)—

- (a) an annual pension (“AP”) at the rate of 1 x 800th of the officer’s annual pensionable emoluments as at the date of retirement for each month of qualifying service which the officer has completed; and
- (b) either—
  - (i) for an officer above the rank of sergeant who has completed 412 months or more of qualifying service, a lump sum (“LS”) calculated as follows—

$$LS = \frac{AP \times 14.5}{3} ; \text{ or}$$

- (ii) for all other officers, a lump sum (“LS1”) calculated as follows—

$$LS1 = \frac{AP \times 14}{3} .$$

(2) The maximum amount of qualifying service which may be taken into account for the purpose of calculating a lump sum under paragraph (1) is—

- (i) 412 months for an officer above the rank of sergeant; and
- (ii) 400 months for other officers.

(3) If an officer retires on the day before the date of an increase in the cost of living allowance, that increase is added to the officer's annual pensionable emoluments.

(4) If the salary of an officer is on a salary scale and by the date of his retirement or death the officer has earned part of the next annual increment of the salary scale in question, the officer's annual pensionable emoluments are deemed to have increased as set out in paragraph (5).

(5) If the officer has served—

- (a) more than 1 month but less than 6 months, the salary is deemed to have increased by as many 12ths of the amount of the increment as are the months during which the officer has served after the grant of the latest increment;
- (b) 6 months or more, the salary is deemed to have increased by the full amount of the increment.

(6) For the purpose of calculating an officer's total qualifying service, a period exceeding 15 days counts as a completed month.

(7) If an officer below the rank of Inspector who reaches the age of 55 years on or before 10 March 2013 retires on or after reaching the age of compulsory retirement or after a period of continuation in office under regulation 10(4) of the Police General Regulations, the annual pensionable emoluments for the purposes of determining that officer's annual pension are deemed to be increased as follows—

- (a) if the officer reaches the age of 55 years between 11 March 2010 and 10 September 2011 (both dates inclusive), an increase of 2 annual increments;
- (b) if the officer reaches the age of 55 years between 11 September 2011 and 10 March 2013 (both dates inclusive), an increase of 1 annual increment.

(8) The pension granted under paragraph (1) to an officer below the rank of inspector who has more than 25 years qualifying service is increased by 1 x 800th of the officer's annual pensionable emoluments for each completed month of service in excess of 25 years up to a maximum of 60 x 800ths of the officer's annual pensionable emoluments."

#### **Regulation 6 amended**

4. Paragraph (4) of regulation 6 (Gratuity if length of service does not qualify for pension) of the principal Regulations is amended by revoking "regulation 11" and replacing it with "regulation 11 or 11A".

#### **Regulation 11 revoked and replaced**

5. Regulation 11 (Voluntary premature retirement with or without deferment of pension or other benefits) of the principal Regulations is revoked and replaced with—

##### **"Voluntary premature retirement**

11. (1) The Chief Constable may, in consultation with the Administrator, permit an officer to retire and receive benefits in accordance with paragraphs (2) to (6) if that officer has completed qualifying service of 5 years or more and is 45 years old or more.

(2) If an officer retires under paragraph (1) the officer is paid—

- (a) the lump sum specified in regulation 5(1)(b) immediately on retirement; and

- (b) a pension (“a deferred pension”) from the date the officer reaches the age of 55 years.
- (3) The initial amount of the deferred pension is—
  - (a) the amount which that officer would have received immediately on retirement but for paragraph (2)(b); plus
  - (b) the aggregate amount of any increases determined by regulation 29 payable on the amount referred to in paragraph (a) between the date the officer retires and the date when the deferred pension becomes payable.
- (4) The Chief Constable may, after consulting the Administrator, allow an officer to receive the deferred pension immediately if the Chief Constable is satisfied that the officer—
  - (a) retired under paragraph (1); and
  - (b) subsequently becomes unfit to work as a police officer for reasons of an infirmity of body or mind before attaining the age of 55 years.
- (5) If paragraph (4) applies then regulation 13 does not apply.
- (6) If an officer who has voluntarily retired under paragraph (1) dies before attaining the age of 55 years, a spouse’s pension and children’s pension under Part 3, are payable to the officer’s spouse and children, provided they are entitled to a pension under Part 3.

**Voluntary premature retirement – officers serving on 10 March 2010**

**11A.** (1) This regulation applies only to officers serving in the combined service on 10 March 2010.

(2) The Chief Constable may in consultation with the Administrator, permit an officer to retire and receive benefits in accordance with paragraphs (3) to (5) if that officer has completed qualifying service of 5 years or more and is 45 years old or more.

(3) If an officer below the rank of Inspector retires under paragraph (2), the officer is paid—

- (a) the lump sum specified in regulation 5(1)(b) on retirement; and
- (b) a deferred pension from the date the officer reaches the age of 50 years.

(4) If an officer above the rank of sergeant retires under paragraph (2), the officer is paid—

- (a) the lump sum specified in regulation 5(1)(b) on retirement; and
- (b) a deferred pension from the date the officer reaches the age of 55 years.

(5) The Chief Constable must permit an officer to retire and receive the benefits specified in regulation 5—

- (a) in the case of an officer below the rank of Inspector, after the officer reached the age of 55 years;
- (b) in the case of an officer above the rank of sergeant, after the officer reaches the age of 60 years.

(6) The initial amount of the deferred pension is—

- (a) the amount which that officer would have received immediately on retirement but for paragraph (3)(b) or (4)(b) (as the case may be); plus
- (b) the aggregate amount of any increases determined by regulation 29 payable on the amount referred to in paragraph (a) between the date the officer retires and the date when the deferred pension becomes payable.



(7) The Chief Constable may, after consulting the Administrator, allow an officer to receive a deferred pension immediately if the Chief Constable is satisfied that the officer—

- (a) retired under paragraph (2); and
- (b) subsequently becomes unfit to work as a police officer for reasons of an infirmity of body or mind before attaining the age of 50 years in the case of an officer below the rank of Inspector or at the age of 55 years in the case of an officer above the rank of sergeant.

(8) If paragraph (7) applies then regulation 13 does not apply.

(9) If an officer who has voluntarily retired under paragraph (2) dies before attaining the age of 50 (or the age of 55 in the case of officers above the rank of sergeant), a spouse's pension and children's pension under Part 3, are payable to the officer's spouse and children, provided they are entitled to a pension under Part 3.

#### **Voluntary premature retirement –additional provisions**

**11B.** (1) The lump sum and deferred pension payable under regulation 11 or 11A are calculated under regulation 5 based on the officer's annual pensionable emoluments on the date of the officer's premature retirement.

(2) An officer's previous qualifying service must be taken into account in calculating the deferred pension on retirement if the officer—

- (a) initially retires from the combined service under any of the circumstances set out in regulation 4(2);
- (b) is re-appointed by the combined service before the payment of a pension;
- (c) repays any gratuity or lump sum paid under these Regulations on reappointment; and
- (d) subsequently retires voluntarily under regulation 11 or 11A having completed total qualifying service of at least 5 years.

(3) The refund of a gratuity paid under this regulation is made with simple interest at such rate as the Administrator may determine, calculated from the date of payment to the date of refund of the whole amount.

(4) The officer must repay the gratuity or lump sum in the time and in such manner as the Administrator may determine.

(5) If an officer retires prematurely under regulation 11 or 11A and that officer is subsequently re-appointed—

- (a) a pension will not be paid to the officer during the period of re-appointment; and
- (b) payment of a pension will start again after the officer subsequently retires.

(6) If an officer retires prematurely under regulation 11 or 11A and that officer is subsequently re-appointed and dies at any time after the officer is re-appointed, the officer's previous service must be taken into account in calculating the widow's and children's pension and lump sum payable to the officer's personal representative if the conditions set out in paragraph (2)(a) to (c) are met."

#### **Regulation 13 amended**

6. Regulation 13 (Retirement on account of ill health) of the principal Regulations is amended—

- (a) by revoking "regulation 11(5)" in paragraph (4) and replacing it with "regulation 11 or 11A";
- (b) by revoking paragraph (6) and replacing it with—

“(6) If a pension is discontinued under paragraph (5), the pensioner’s whole pension will be payable as soon as the pensioner reaches the age specified in paragraph (10).”;

(c) by revoking paragraph (8) and replacing it with—

“(8) If a pensioner has a pension discontinued under paragraph (5), payment of a pension to that pensioner is to be resumed if, before that pensioner attains the age specified in paragraph (10), a medical adviser appointed by the Administrator considers that, for reasons of infirmity of body or mind, the pensioner is unlikely to work as a police officer again.”;

(d) by adding the following new paragraph after paragraph (9)—

“(10) The age specified in this paragraph is—

- (a) in the case of an officer below the rank of Inspector serving in the combined service on 10 March 2010, 50 years; or
- (b) in all other cases, 55 years.”.

### **Regulation 18 revoked and replaced**

7. Regulation 18 (Maximum pension) of the principal Regulations is revoked and replaced with—

#### **“Maximum Pension**

**18. (1)** A pension granted to an officer must not exceed—

- (a) in the case of an officer above the rank of sergeant, 51.5% of annual pensionable emoluments as at the date on which the officer retired;
- (b) in the case of other officers, 50% of annual pensionable emoluments as at the date on which the officer retired.

(2) Subject to paragraph (3), an additional pension granted on account of injuries under regulation 17 is not taken into account for the purposes of paragraph (1).

(3) If an officer is granted an additional pension, the additional pension together with the remainder of the pension must not exceed  $\frac{5}{6}$  of the highest annual pensionable emoluments paid to the officer in the course of service in the combined service.”.

### **Regulation 28 revoked and replaced**

8. Regulation 28 (Refund of contributions) of the principal Regulations is revoked and replaced with—

#### **“Refund of contributions**

**28. (1)** The whole of the contributions paid by an officer are to be refunded to that officer on retirement or the personal representative of the officer on the death of that officer if—

- (a) the officer dies or ceases to be an officer without having been married during the whole period of service; or
- (b) if the officer dies or ceases to be an officer in such circumstances as not to be eligible for a pension under Part 2.

(2) The whole of the contributions paid by an officer are to be refunded to that officer on retirement or the personal representative of the officer on the death in service of that officer if—

- (a) either
  - (i) the spouse of the officer dies before the officer retires or dies in service and the officer has not remarried before dying in service or retiring; or
  - (ii) the marriage between the spouse and the officer comes to an end by divorce or dissolution and the officer has not remarried before dying in service or retiring; and

(b) a children's pension is not payable under these Regulations.

(3) If any contributions are to be repaid under this regulation they will be refunded with simple interest at such rate as the Administrator may determine.”.

**Regulation 29 revoked and replaced**

9. Regulation 29 (Cost of living allowance) of the principal Regulations is revoked and replaced with—

**“Cost of living allowance**

29. (1) The Administrator may, so long as a method of cost of living allowance readjustment on basic salaries is in force, increase the pensions paid under these Regulations in accordance with this regulation.

(2) The increase is the percentage increase of the average of the cost of living index during the expired period compared with the average of the cost of living index of the preceding period.

(3) The increase is to take effect from 1 January and 1 July in each year.

(4) The increase is to apply to all pensions payable under these regulations which became payable prior to the date on which the increase took effect.

(5) If an officer dies or retires during the expired period, the cost of living allowance which was taken into consideration in calculating the pension of the pensioned officer or the pension of his dependents, is taken into consideration for the purposes of calculating that increase.

(6) In this regulation “expired period” means the 6 month period which expired the day prior to the first day during which the increase is to take effect.”.

**Revocation of the Police and Prison Officers (Pensions) (Amendment) Regulations 2010**

10. The Police and Prison Officers (Pensions) (Amendment) Regulations 2010(d) are revoked.

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Dated this 4th day of October 2011.

D. J. Kelly,

Chief Constable and Superintendent of Prisons,  
Sovereign Base Areas.

(SBA/AG/2/CR/187/10)

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**Notes**

- (a) Ordinance 6/07.
- (b) Ordinance 11/71.
- (c) Public Instrument 14/09.
- (d) Public Instrument 32/10.

## EXPLANATORY NOTE

### (This note does not form part of the Regulations)

1. This explanatory note relates to the Police and Prison Officers (Pensions) (Amendment) Regulation 2011 (“the Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a regulation or part of a regulation does not seem to require any explanation or comment, none is given.
3. The Regulations amend the Police and Prison Officers (Pensions) Regulations 2009 (“the principal Regulations”). Regulation 3 inserts an amended regulation 5 into the principal Regulations. The amendment specifies the maximum service which may be taken into account in calculating the lump sum payable on retirement.
4. Regulation 5 revokes and replaces regulation 11 with regulations 11 to 11B. Regulation 11 increases the age at which officers who joined the combined service after 10 March 2010 may take their pension after voluntary premature retirement. The age is now 55 years for officers irrespective of rank.
5. Regulation 11A applies to officers serving in the combined service on 10 March 2010. After voluntary premature retirement such officers may take their pensions at the age of 50 years (for constables and sergeants) and 55 years for officers above the rank of sergeant.
6. Regulation 11A also provides that officers serving in the combined service on 10 March 2010 may continue to retire at 55 years (in the case of a constable or a sergeant) or 60 years (for officers above the rank of sergeant, though the normal retirement age for such officers under the Police and Prison Officers (General) Regulations 2007 (as amended by the Police and Prisons Officers (General) (Amendment) Regulations 2010) is 60 years (in the case of a constable or a sergeant) and 61 years (for officers above the rank of sergeant).
7. Regulation 7 revokes and replaces regulation 18 of the principal Regulations. Regulation 18 specifies the maximum pension which may be paid to an officer as a percentage of the officer’s pensionable emoluments on retirement.
8. Regulation 8 amends regulation 28 of the principal Regulations. The amendment clarifies the circumstances when an officer may obtain a refund of contributions. The change is that regulation 28 now provides that an officer may obtain a refund of all of the contributions in circumstances when his or her marriage ends in divorce or dissolution and the officer does not remarry and a children’s pension is not payable.
9. Regulation 9 revokes and replaces regulation 29 of the principal Regulations to clarify that increases in pensions payable as a result of inflation are assessed and paid twice yearly.

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**THE AKROTIRI COMMUNITY ORDINANCE 2001**

**Notice under section 100**

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NOTICE is hereby given that the following immovable property, namely parts of Plot no. 368 of Sheet/Plan 58/47, at Akrotiri village, adding up to an area of approximately 199 square metres, is required by the Community Council of Akrotiri for completing the alignment of a public road.

Any person claiming to have any right or interest in the said immovable property who objects to the acquisition of such property is required, within 6 weeks from the date of posting of this notice, to send to me a statement of that right and interest and of the evidence thereof, and of any claim made by that person in respect of such right or interest.

The Council of the aforesaid community is willing to treat for the acquisition of the said immovable property.

A plan labelled SBA/AOA/CA/AKO/2011/1, and showing in red colour the immovable property described above, is available for inspection at the Area Office, Akrotiri.

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Dated this 5th day of October 2011.

(SBA/AG/2/LD/253/1)

K. MATHEOU  
Area officer,  
Akrotiri Sovereign Base Area.

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