



**SUPPLEMENT No. 3**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
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**SUBSIDIARY LEGISLATION**

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**THE POLICE AND PRISON OFFICERS (PENSIONS)(AMENDMENT) REGULATIONS 2012**

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

**Citation, commencement and application**

1. (1) These Regulations may be cited as the Police and Prison Officers (Pensions) (Amendment) Regulations 2012 and come into force on 27 February 2012.

(2) Regulations 3 to 7 and regulation 9 have effect for the purpose of calculating the benefit payable to a police officer who leaves the combined service on or after 27 February 2012.

**Amendment to the Police and Prison Officers (Pensions) Regulations 2009**

2. The Police and Prison Officers (Pensions) Regulations 2009(c) are amended in accordance with regulations 3 to 9.

**Amendment to regulation 2 (Interpretation)**

3. Regulation 2 is amended as follows—

- (a) in paragraph (1), omit the definition of “annual pensionable emoluments” and insert after the definition of “the age of compulsory retirement” the following definition—  
“annual pensionable emoluments” has the meaning given in regulation 2A;”;
- (b) omit paragraph (3).

**Insertion of regulations 2A and 2B**

4. After regulation 2 insert—

**“Meaning of annual pensionable emoluments**

2A. (1) In these Regulations, annual pensionable emoluments mean the combined total of the annual amounts of an officer’s—

- (a) basic salary;
- (b) good conduct allowance;
- (c) merit allowance; and
- (d) cost of living allowance.

(2) Subject to paragraphs (3) and (4), and regulations 2B(2) and 13(7), basic salary and cost of living allowance are the annual amounts payable to the officer on the officer’s final day of service.

(3) If an officer leaves the combined service 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 basic salary of an officer is below the maximum of the officer’s salary scale, and on the date the officer leaves the combined service the officer has served one month or more since the grant of an annual increment, the officer’s basic salary is deemed to have increased as prescribed in paragraph (5) or (6).

(5) If the period of service is 1 month or more, 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 of service after the grant of the last increment.

(6) If the period of service is 6 months or more after the grant of the last increment, the salary is deemed to have increased by the full amount of the increment.

(7) For the purpose of this regulation a period of service of more than 15 days is a month.

**Basic salary: officers below the rank of inspector serving on 10 March 2010**

**2B.** (1) Except where regulation 13(7) applies, this regulation applies where an officer—

- (a) is below the rank of inspector;
- (b) was serving in the combined service on 10 March 2010;
- (c) reaches the age of 55 on or before 10 March 2013; and
- (d) retires on or after the age of 55.

(2) For the purpose of calculating annual pensionable emoluments, the officer's basic salary is deemed to be increased by an amount equal to—

- (a) 2 annual increments on the officer's pay scale, where the officer reaches the age of 55 on or before 10 September 2011; or
- (b) 1 annual increment on the officer's pay scale where the officer reaches the age of 55 after 10 September 2011 and on or before 10 March 2013.”.

**Substitution of regulation 5 (Entitlements on retirement)**

5. For regulation 5(d) substitute—

**“Determination of annual pension and lump sum on retirement**

5. (1) An officer who has 5 or more years' qualifying service is entitled on retirement in the circumstances specified in regulation 4(2)(f) to—

- (a) an annual pension (“AP”) determined as follows—

$$AP = \frac{APE \times QS}{800} ,$$

where—

- (i) “APE” is annual pensionable emoluments;
  - (ii) “QS” is the number of months of qualifying service, including an increase in qualifying service determined in accordance with regulation 7A(3), 13(4) or 13(6), subject to a maximum of 400 months; and
- (b) except where paragraph (2) applies, a lump sum (“LS”) determined as follows—

$$LS = \frac{AP \times 14}{3} ,$$

where “AP” is the annual pension determined in accordance with paragraph (1)(a).

(2) This paragraph applies where an officer—

- (a) is above the rank of sergeant;

- (b) retires on reaching the age of compulsory retirement; and
  - (c) has 412 months or more of qualifying service.
- (3) Where paragraph (2) applies, a lump sum (“LS”) is determined as follows—

$$LS = \frac{AP \times 14.5}{3},$$

where “AP” is the annual pension determined in accordance with paragraph (1)(a).”.

#### **Insertion of regulation 7A**

6. After regulation 7 insert—

##### **“Qualifying service: officers below the rank of inspector with 25 or more years’ qualifying service**

- 7A. (1) This regulation applies where an officer—
- (a) is below the rank of inspector; and
  - (b) retires with more than 25 years’ qualifying service determined in accordance with regulation 7.
- (2) The officer’s qualifying service is increased in accordance with paragraph (3).
- (3) Each month of actual qualifying service in excess of 25 years is deemed to be 2 months of qualifying service, but subject to—
- (a) a maximum increase of 60 months’ additional qualifying service; and
  - (b) maximum qualifying service (actual qualifying service and additional qualifying service, determined in accordance with this regulation) not exceeding 400 months.”.

#### **Substitution of regulation 13 (Retirement on account of ill-health)**

7. For regulation 13 substitute—

##### **“Retirement on account of ill-health**

13. (1) This regulation applies to an officer who retires in the circumstances specified in regulation 4(2)(b).
- (2) Subject to the following provisions, an officer with—
- (a) 5 or more years’ qualifying service is to receive on retirement an annual pension and a lump sum determined in accordance with regulation 5(1);
  - (b) less than 5 years’ qualifying service is to receive a gratuity determined in accordance with regulation 6.
- (3) Paragraph (2) does not apply if the officer is eligible for an additional pension under regulation 17, and that pension is greater than a benefit determined under paragraph (2).
- (4) Subject to paragraphs (5) and (6), for the purpose of determining the amounts of the annual pension and lump sum in accordance with regulation 5(1), the officer’s qualifying service is to be increased in accordance with this table—

<i>Years of qualifying service</i>	<i>Years of increased qualifying service</i>
5 or more years but less than 10 years	Qualifying service is to be doubled
10 or more years but less than 15 years	20 years
15 or more years but less than 23 years	Qualifying service is to be increased by 5 years, subject to a maximum total of 25 years
23 or more years but less than 30 years	Qualifying service is to be increased by 2 years subject to a maximum total of 30 years.

(5) The total number of years' qualifying service, following an increase under paragraph (4), is not to be more than the number of years of actual service that the officer would have accrued if the officer had remained in service until the age of compulsory retirement.

(6) Where regulation 7A applies, the officer's qualifying service is determined as follows—

- (a) the service is increased in accordance with regulation 7A(3); and then
- (b) the service is increased by 2 years, subject to a maximum total of 30 years.

(7) This paragraph applies where an officer has 400 months' or more qualifying service (including an increase in qualifying service for an officer to whom regulation 7A applies).

(8) Where paragraph (7) applies, the officer's basic salary is deemed to be increased by 2 increments on the officer's pay scale, and annual pensionable emoluments determined accordingly.”.

### **Insertion of regulation 13A**

8. After regulation 13 insert—

#### **“Medical examination and cessation of pension**

**13A.** (1) This regulation applies to a person who—

- (a) retires under regulation 4(2)(b) and is in receipt of a pension determined under regulation 13; or
- (b) is in receipt of a pension paid immediately on the grounds of infirmity of body or mind under regulation 11(4) or 11A(7)(e).

(2) The Administrator may require the person to have a medical examination—

- (a) by a medical adviser appointed by the Administrator; and
- (b) at such intervals as the Administrator may determine.

(3) If the medical adviser considers that the person is fit to work as a police officer, the Administrator may direct, having regard to all the circumstances of the case, that the pension ceases, in whole or in part.

(4) If the pension ceases under paragraph (3), it is to recommence on the day the person reaches the age of—

- (a) 50 years, in the case of a person who was below the rank of Inspector and in service on 10 March 2010; or
- (b) 55 years, in all other cases.

(5) If a person fails to attend the medical examination, referred to in paragraph (2), within a reasonable period and without a reasonable cause, the Administrator may direct that the pension is to be suspended until such time as the person complies with the requirement.

(6) Where a pension ceases under paragraph (3), it is to recommence if a medical adviser appointed by the Administrator considers that by reason of infirmity in body or mind the person is unlikely to be fit to serve as a police officer before the age specified in paragraph (4).”

**Amendment to regulation 18 (Maximum pension)**

9. For regulation 18(1)(f) substitute—

“(1) A pension granted to a police officer may not exceed 50% of the officer’s annual pensionable emoluments payable on the date the officer retired.”.

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Dated this 15th day of February 2012.

With the approval of the Administrator,

Peter Hall

Deputy Chief Constable

(signed on behalf of the Chief Constable and Superintendent of Prisons  
by command of the Administrator),

Sovereign Base Areas.

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

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**Notes**

- (a) Ordinance 11/71; section 11 was amended by Ordinances 14/05 and 16/11, but the amendments are not relevant to these Regulations.
- (b) Ordinance 6/07; section 9 was amended by Ordinance 15/11, but the amendment is not relevant to these Regulations.
- (c) P.I. 14/09, amended by P.I. 26/11.
- (d) Regulation 5 was substituted by regulation 3 of P.I. 26/11.
- (e) Regulation 11 was substituted, and regulation 11A inserted, by regulation 5 of P.I. 26/11.
- (f) Regulation 18 was substituted by regulation 7 of P.I. 26/11.

## EXPLANATORY NOTE

### (This note is not part of the Regulations)

1. This explanatory note relates to the Police and Prison Officers (Pensions) (Amendment) Regulations 2012 (“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. These Regulations amend the Police and Prison Officers (Pensions) Regulations 2009 (“the principal Regulations”). The amendments reflect the Republic’s Pensions Law 1997 as amended by the Pensions (Amendment) Law 2010 (Law 37(I)/2010).

3. The amendments made to regulation 2 of the principal Regulations substitute a definition of annual pensionable emoluments and revoke an interpretative provision which is no longer required.

4. A new regulation 2A expands the definition of annual pensionable emoluments setting out how they are to be determined for the purpose of the calculation of benefits payable under the principal Regulations. This definition was previously split between regulations 2 and 5.

5. A new regulation 2B provides for a deemed increase in an officer’s basic salary for the purpose of calculating annual pensionable emoluments. It applies to officers below the rank of inspector who were in service on 10 March 2010, reach the age of 55 on before 13 March 2013 and leave the combined service aged 55 or over.

6. A new regulation 5 specifies the formula for the calculation of an annual pension and a lump sum when an officer retires on reaching the age of compulsory retirement. An annual pension is calculated at the rate of 1/800th of annual pensionable emoluments for each month of qualifying service, but subject to taking account a maximum of 400 months’ service. The lump sum is 14 times the officer’s annual pension divided by 3. A higher lump sum is payable to an officer above the rank of sergeant who has completed at least 412 months’ service. In this case the lump sum is 14.5 times the officer’s annual pension divided by 3.

7. Regulation 6 inserts a new regulation 7A. It applies only to officers below the rank of the inspector and provides for deemed increase of the qualifying service of an officer with more than 25 years’ qualifying service. Each month service in excess of 25 years is deemed to be 2 months of service, subject to a maximum increase of 60 months.

8. Regulation 7 substitutes a new regulation 13 of the principal Regulations. This sets out the rules for the calculation of the amounts of an annual pension and a lump sum where an officer retires on grounds of ill-health. The amounts are determined in accordance with regulation 5, but the qualifying service of an officer with more than 5 years’, but less than 30 years’ service, is increased in accordance with the table set out in paragraph (4). If an officer has 400 months’ qualifying service (and thus would be entitled to the maximum permitted pension), the officer’s basic salary is deemed to be increased by 2 increments and annual pensionable emoluments determined accordingly.

9. A new regulation 13A makes provision for the Administrator to direct that a police officer, who is in receipt of a pension granted on grounds of ill-health, have a medical examination. The Administrator has the discretion to cease payment of the pension if the medical adviser considers the officer is fit to serve as a police officer. These provisions were previously incorporated within the now substituted regulation 13.

10. Regulation 18 of the principal Regulations is amended by regulation 9 to provide that the maximum pension payable is 50% of annual pensionable emoluments payable at the date of retirement. This is consistent with the rule for calculating the annual pension in the amended regulation 5, whereby the maximum number of months’ qualifying service which may be taken into account is 400.

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**LAND ACQUISITION (WORKS CONNECTED WITH THE VERTICAL ROAD AND THE  
KATO POLEMIDHIA WASTE WATER TREATMENT PLANT) NOTIFICATION 2012**

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The Administrator, exercising powers under sections 2 and 3 of the Land Acquisition Ordinance(a), makes the following notification:

**Citation and commencement**

1. This notification may be cited as the Land Acquisition (Works Connected with the Vertical Road and the Kato Polemidhia Waste Water Treatment Plant) Notification 2012 and comes into force on publication in the Gazette.

**Declaration of undertaking of public utility**

2. (1) The Administrator declares that the works specified in paragraph (2) are undertakings of public utility for the purpose of section 2 of the Land Acquisition Ordinance.

(2) The works specified in this paragraph are—

- (a) storm-water culverts connected with the construction of a public road from the Limassol-Paphos Motorway to Limassol New Port (the “Vertical Road”); and
- (b) a waste-water culvert connected with the construction of a waste water treatment plant, at Kato Polemidhia.

**Authorisation**

3. The Administrator authorises the carrying out of the undertakings referred to in article 2 on any land in the Sovereign Base Area of Akrotiri needed for such undertakings under the provisions of the Land Acquisition Ordinance.

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Dated this 15th day of February 2012.

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

(SBA/AG/2/LD/253/9)



## **EXPLANATORY NOTE**

**(This note does not form part of the Notification)**

1. This explanatory note relates to the Land Acquisition (Works Connected with the Vertical Road and the Kato Polemidhia Waste Water Treatment Plant) Notification 2012. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Notification. It does not form part of the Notification.
2. The Notification declares that works consisting of culverts connected with 2 projects are undertakings of public utility for the purposes of the Land Acquisition Ordinance. Some of the land over which the Administration is considering acquiring an interest is affected by both projects. As a result, the Administration is conducting a single land acquisition exercise for both projects.

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### **Notes**

- (a) Cap 226 Laws of Cyprus, Statute Laws of Cyprus revised edition 1959, 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 Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68). The Land Acquisition Ordinance has been amended, but those amendments are not relevant.

