
**CONTROL (ENTRY, SETTLEMENT AND
COMMERCIAL ENTERPRISES) ORDINANCE 1960**

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960	5/1960	16/08/1960
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 1971 Repealed by Ordinance 13/2009	5/1971	29/04/1971
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 1982	11/1982	13/12/1982
Increase of Fines Ordinance 1987	21/1987	14/11/1987
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 2001	4/2001	04/05/2001
Control (Entry, Settlement and Commercial Enterprises)(Amendment) (No.2) Ordinance 2004	6/2001	06/07/2001
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 2004	17/2004	23/07/2004
Control (Entry, Settlement and Commercial Enterprises)(Amendment) (No.2) Ordinance 2004	18/2004	06/08/2004
Corrigendum – Gazette No. 1458		18/05/2007
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 2009	13/2009	28/07/2009
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 2010	31/2010	18/10/2010
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 2015	16/2015	24/11/2015
Corrigendum Gazette No. 1791		24/11/2015
Criminal Procedure Ordinance 2016	9/2016	01/05/2016
Control (Entry, Settlement and Commercial Enterprises)(Amendment) Ordinance 2019	8/2019	01/04/2019

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ANNEX

CONTROL (ENTRY, SETTLEMENT AND
COMMERCIAL ENTERPRISES) ORDINANCE 1960

An Ordinance to control entry into and settlement and commercial enterprises in the Sovereign
Base Areas of Akrotiri and Dhekelia.

Short Title

1. This Ordinance may be cited as the Control (Entry, Settlement and Commercial Enterprises) Ordinance, 1960.

Interpretation

2. In this Ordinance, unless the context otherwise requires:

“appointed day” means the date of the coming into force of this Ordinance;

“*appropriate Republican Law*” means the *Aliens and Immigration Law*; (a)

“approved port” means a sea port or an airport in the Areas declared by the Administrator by ~~notification~~ *notice (b)* in the Gazette to be a port of entry or a port of departure for the purposes of this Ordinance *or approved as such under the appropriate Republican Law (c)*;

~~“authorised service organisation” means any organisation declared by the Administrator by notification in the Gazette to be an authorised service organisation; (d)~~

“*authorised service organisation*” has the same meaning as in *Annex B Part I of the Treaty of Establishment*;

“Court” means the Judge’s Court;

“*the Crown*” means *Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.*(e)

“*dependant*” has the same meaning as “*dependent*” in *Annex B Part I of the Treaty of Establishment*; (f)

“destitute person” means a person who, in the opinion of the Chief Control Officer, is or is likely to become incapable of supporting himself and his dependants or is likely to become a charge upon public funds;

“enactment” means any Ordinance and includes any public instrument made under the authority of any Ordinance and any order made in the exercise of powers conferred by any such public instrument;

“passport” means a valid passport issued to a person by or on behalf of the Government of the State of which he is a subject or a valid passport or other valid travel document issued to a person by an authority recognised by Her Majesty’s Government in the United Kingdom, such passport or document being complete, having attached to it a photograph of the person to whom it relates and having endorsed thereon all particulars, endorsements and visas required from time to time by the Government or authority issuing such passport or document and by Her Majesty’s Government and by any regulations for the time being in force in that behalf;

“prohibited immigrant” means a person who is a prohibited immigrant under the provisions of this Ordinance;

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- (a) Definition inserted by Ordinance 4/2001 – came into force on 04 May 2001
(b) Amended by Ordinance 13/2009 – came into force on 28 July 2009
(c) Text inserted by Ordinance 4/2001 – came into force on 04 May 2001
(d) Definition repealed and replaced by Ordinance 13/2009 – came into force on 28 July 2009
(e) Definition inserted by Ordinance 13/2009 – came into force on 28 July 2009
(f) Definition inserted by Ordinance 13/2009 – came into force on 28 July 2009

“reception centre” means any establishment designated by the Chief Control Officer to be accommodation for prohibited immigrants pending consideration of a claim for entry. **(a)**

“recognised resident” means:—

- ~~(a) a person born in the Areas after the date of this Ordinance;~~
- ~~(b) a member of H.M. Forces;~~
- ~~(c) a civilian employed in the service of Her Majesty or of an authorised service organisation, not being in either case a stateless person or a citizen of or ordinarily resident in the Republic;~~
- ~~(d) a person who is placed on the recognised resident’s list under the provisions of section 18;~~
- ~~(e) a person who is given a recognised resident’s certificate under the provisions of section 19;~~
- ~~(f) a member of the family or household of a person to whom paragraphs (b) and (c) of this definition apply. **(b)**~~

“recognised resident” means:—

- (a) a member of H.M. Forces for so long as he is serving as such within the Island of Cyprus;*
- (b) a civilian employed in the service of ~~Her Majesty~~ the Crown **(c)** or of an authorised service organisation, not being in either case a stateless person or a citizen of or ordinarily resident in the Republic for so long as such person is so employed within the Island of Cyprus;*
- (c) ~~a member of the family or household of a person to whom paragraph (a) or (b) of this definition applies dependant of a person to whom paragraph (a) or (b) applies~~ **(d)** for so long as such person is serving or employed within the Island of Cyprus;*
- (d) a person who is placed on the recognised residents list under the provisions of Section 18;*
- (e) a person who is given a recognised resident’s certificate under the provisions of Section 19;*
- (f) a person born in the Areas after the 16th day of August, 1960 if one of his parents was at the time of his birth a person to whom category (d) or (e) of this definition applies. A person in this category shall be treated for the purposes of Section 19 (with the exception of paragraph (a) of subsection (1) of that Section) as if he had been given a recognised resident’s certificate under the provisions of that Section).*

Control Officers

3.—(1) For the purposes of this Ordinance the Chief Officer Sovereign Base Areas shall be the Chief Control Officer, and Control Officers shall be such persons as the Administrator may from time to time appoint.

(2) The Chief Control Officer may delegate all or any of the functions conferred upon him by this Ordinance to a Control Officer.

(3) *For the avoidance of doubt, the Chief Control Officer may— **(e)***

- (a) Make such arrangements as the Chief Control Officer considers appropriate for—*
 - (i) the detention in custody of a person detained under section 11 or section 11A; and*
 - (ii) the removal from the Areas of a person in relation to whom an order for deportation has been made under this Ordinance; and*

(a) Definition inserted by Ordinance 6/2001 – came into force on 06 July 2001

(b) Definition repealed and replaced by Ordinance 11/1982 – came into force on 13 December 1982

(c) Amended by Ordinance 13/2009 – came into force on 28 July 2009

(d) Amended by Ordinance 13/2009 – came into force on 28 July 2009

(e) Section 3(3) inserted by Ordinance 16/2015 – came into force on 24 November 2015

(b) request the assistance of a police officer for the purposes of the exercise of any functions under this Ordinance, including for the purposes of carrying out any arrangements made under paragraph (a).

(4) The Chief Control Officer may, for the purposes specified in subsection (3)(b), also request the assistance of any other person.

Control Officer to have power of police officer (a)

~~4. For the purpose of performing his duties under this Ordinance, a Control Officer shall have the powers of a police officer and may board and search any ship or aircraft entering the Areas.~~

Powers of Control Officers, etc.

4.—(1) For the purposes of exercising any functions under this Ordinance, a Control Officer—

(a) has the powers of a police officer; and

(b) may board and search any ship or aircraft entering the Areas.

(2) For the avoidance of doubt, a Control Officer exercising any functions under this Ordinance or a police officer assisting in the exercise of such functions may, where necessary, use reasonable force on a person (P)(b) who, in accordance with this Ordinance, is detained or subject to an order for deportation from the Areas.

(3) A person who is providing assistance, following a request for assistance under section 3(4),—

(a) may only use force on P if authorised to do so by the Chief Control Officer or a Control Officer; and

(b) where such authorisation is given, the use of force by that person is subject to the requirements of subsection (2).

(5) Nothing in this Ordinance limits the power of a police officer under any other legislation or otherwise.

Prohibited immigrants

5.—(1) The following persons shall, provided that they are neither citizens of, nor residents in, the Republic, be prohibited immigrants and, save as provided in this Ordinance or in any order of the Administrator, shall not be permitted to enter the Areas through an approved port:—

(a) any destitute person;

(b) ~~any idiot or insane or feeble minded person or any person who for any other cause is unable to take proper care of himself;~~ (c)

(c) any person certified by a medically qualified person to be suffering from a contagious or infectious disease which, in the opinion of such medically qualified person, is a danger to public health or who refuses to comply with the requirements of any regulations made under any enactment in the interest of public health;

(d) any person who, not having received a free pardon, has been convicted of murder or an offence for which a sentence of imprisonment has been passed for any term and who, by reason of the circumstances connected therewith, is deemed by a Control Officer to be an undesirable immigrant;

(e) any prostitute or any person living on the proceeds of prostitution;

(a) Section 4 repealed and replaced by Ordinance 16/2015 – came into force on 24 November 2015

(b) (P) inserted by Corrigendum in Gazette No. 1791 dated 24 November 2015

(c) Deleted by Ordinance 13/2009 – came into force on 28 July 2009

- (f) any person who, from official records or from any other trusted source, is considered by the Administrator to be an undesirable person;
- (g) any person who is shown by evidence which the Administrator may deem sufficient, to be likely to conduct himself so as to be dangerous to peace, good order, good government or public morals or to excite enmity between the people of the Areas and ~~Her Majesty the Crown~~ **(a)** or to intrigue against ~~Her Majesty's~~ *the Crown's* **(b)** power and authority in the Areas;
- (h) any member of an unlawful association as defined in section 63 of the Criminal Code;
- (i) any person who has been deported from the Areas either under this Ordinance or under any enactment in force at the date of his deportation;
- (j) any person who has been deported from the Republic under any law of the Republic for the time being in force and in respect of whom the order of the Republic deporting him has been endorsed by the Administrator or by any officer authorised by him in writing, generally or specifically, to endorse such orders on his behalf;
- (k) any person entering the Areas from the Republic who, immediately before so entering, was not lawfully in the Republic or had not been granted lawful permission to enter the Republic;
- (l) any person whose entry into the Areas is prohibited under any enactment for the time being in force;
- (m) any person who enters or remains in the Areas contrary to any prohibition, condition, restriction or limitation contained in this Ordinance or any regulations made under this Ordinance or in any permit granted or issued under this Ordinance or such regulations;
- (n) any person who is deemed to be a prohibited immigrant under the provisions of this Ordinance;
- (o) *Any person found in the Areas who did not enter the Island of Cyprus through an approved port.***(c)**

(2) The Administrator or, by his direction, any Control Officer may grant a licence for a prohibited immigrant to enter the Areas through an approved port and to remain therein for such period and subject to such terms and conditions as to the Administrator may seem fit.

(3) Any licence granted under sub-section (2) of this section may at any time be revoked by the Administrator and, where a licence is so revoked, the person to whom it was granted may be dealt with in the manner set out in paragraph (d) or sub-section (1) of section 10, as if the said paragraph applied to this sub-section.

~~(4) (a) For the purposes of any criminal proceedings against a prohibited immigrant arising from this section, any Court of the Areas may take judicial notice of the appropriate Republican Law.~~

~~(b) For the purposes of this section the production of a copy of any part of the appropriate Republican Law—~~

~~(i) contained in any printed collection of laws purported to be printed and published by an authority of the Republic; or~~

~~(ii) contained in any issue of the Gazette of the Republic; or~~

~~(iii) purported to be printed by the Government Printer of the Republic, by whatever name called,~~

~~shall be incontrovertible evidence in Court and for all purposes whatever of the due and lawful making of such law;~~

(a) Amended by Ordinance 13/2009 – came into force on 28 July 2009

(b) Amended by Ordinance 13/2009 – came into force on 28 July 2009

(c) Paragraph (o) inserted by Ordinance 4/2001 – came into force on 04 May 2001

~~(c) For the purposes of this section, a version of any part of the appropriate Republican Law in the English language—~~

~~(i) purported to be produced by any authority of the Republic; or~~

~~(ii) certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the appropriate Republican Law was published in the Republic; or~~

~~(iii) given or produced in the course of the oral evidence of any person whom the Court considers to be a competent translator for the purpose; or~~

~~(iv) stated orally in Court or produced in writing by a Registrar or official Court interpreter;~~

~~may be held by the Court to be incontrovertible evidence for all purposes whatsoever that such version is the accurate English version of the appropriate Republican Law.~~ (a) (b)

Power to prohibit entry

6. Notwithstanding anything in this Ordinance contained, and without prejudice to any other powers conferred in this Ordinance for the purpose of prohibiting the entry of persons into the Areas, the Administrator may, by order published in the Gazette or served upon any person prohibit the entry into or continued presence in the Areas of that person, and any such person shall not thereafter enter or remain in the Areas

Certain persons to enter freely

7. The following persons, if known to the Control Officer or if their identity is established to his satisfaction, shall be permitted to enter the Areas through an approved port without any further formality:—

- (a) a person who is a citizen of, or resident in, the Republic;
- (b) any recognised resident who does not come within any of the categories enumerated in paragraphs (g), (h), (i), (j), (k), or (l) of sub-section (1) of Section 5;
- (c) a person employed in the service of ~~Her Majesty~~ the Crown (c);
- (d) ~~any member of a civilian component of a person employed by~~ (d) any authorised service organisation;
- (e) the ~~wife~~ spouse (e) and any unmarried child under the age of eighteen years of any of the persons enumerated in the foregoing paragraphs;
- (f) any other person, or category of persons, in respect of whom the Administrator by order directs that this section shall apply.

Passports

8. Subject to the provisions of section 7, no person shall enter the Areas through an approved port without a passport and any person, other than a citizen of, or resident in, the Republic, so doing shall be deemed to be a prohibited immigrant:

Provided that the Chief Control Officer may, in any exceptional cases, dispense with the requirements of this section.

(a) Subsection (4) inserted by Ordinance 4/2001 – came into force on 04 May 2001
(b) Subsection (4) repealed by Ordinance 31/2010 – came into force on 18 October 2010
(c) Amended by Ordinance 13/2009 – came into force on 28 July 2009
(d) Amended by Ordinance 13/2009 – came into force on 28 July 2009
(e) Amended by Ordinance 13/2009 – came into force on 28 July 2009

Special provisions relating to persons entering or leaving the Areas by sea or air

9.—(1) Subject to the provisions of this Ordinance no person shall enter or leave the Areas by sea or air except through an approved port.

(2) A person entering the Areas by sea shall not disembark without the consent of a Control Officer and a medically qualified person and the master of the ship shall not allow any such person to disembark without the consent aforesaid.

(3) Every person entering the Areas by air shall forthwith present himself in person to the nearest Control Officer.

(4) The master of a ship and the pilot of every aircraft arriving from any place outside the Areas or departing from the Areas, shall furnish the Control Officer with true and accurate lists of the names of all passengers in the ship or aircraft together with such other information as the Control Officer may require. Such lists shall be signed by the master or pilot, as the case may be, and shall be supplied in such numbers as may, from time to time, be specified by the Chief Control Officer by notice in the Gazette and every passenger in the ship or aircraft shall supply the master or pilot, as the case may be, with true and accurate information as may be necessary for the purposes of the lists.

(5) Any person who contravenes or fails to observe any of the provisions of sub-sections (1), (2), (3) or (4) of this section shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding six months or to a fine not exceeding ~~one hundred~~ 450 pounds (a) or to both such imprisonment and fine.

Order to prohibited immigrant to leave the Areas

10.—(1) With regard to any person who is a prohibited immigrant and entered the Areas by sea or air a Control Officer may:—

- (a) if the person arrived by sea, order him to leave the Areas in the ship in which he arrived;
- (b) if the person arrived by air, order him to leave the Areas in the aircraft in which he arrived or in such other aircraft as the Control Officer may consider suitable, at the earliest available opportunity;
- (c) order him to leave the Areas within a specified period and, if the Control Officer thinks fit, by a specified route;
- (d) cause him to be arrested with a view to an order being made for his deportation as in section 12 provided.

(2) A Control Officer may, as respects any person against whom an order has been made under paragraph (a), (b) or (c) of sub-section (1) of this section, order that such person shall, in the meantime, be detained in custody or confined in such place as the Control Officer, with the approval of the Chief Control Officer, may direct:

Provided that no person shall be detained or confined under this sub-section for any period exceeding eight days unless, in the meantime, upon the application of a Control Officer and after hearing the person concerned, the Court authorizes the detention or confinement of such person for such further period as to the Court may seem fit.

Deportation orders

11.—(1) Subject to the provisions of this Ordinance and the terms of any licence or permit granted under this Ordinance or any regulations made thereunder, the Chief Control Officer may order any prohibited immigrant to be deported from the Areas, and, in the meantime, to be detained in custody.

(2) Any person who is ordered to be deported shall be deported:—

(a) Amended by Ordinance 21/1987 – came into force 14 November 1987

- (a) to some place in the country to which he belongs or in the state of which he is a national;
or
- (b) with the approval of the Administrator, to the place whence he came not being the country to which he belongs or the state of which he is a national or to any place to which he consents to be deported, provided that the government of either such place consents to receive him.

(3) A British subject who is ordered to be deported shall, with the approval of the Administrator, be deported to the place whence he came or to any place to which he consents to be deported, provided that the government of either such place consents to receive him.

(4) Notwithstanding anything in this Ordinance contained, the Chief Control Officer may, in his discretion, order a prohibited immigrant against whom a deportation order has been made who has arrived by sea to leave the Areas in the ship in which he arrived without specifying the place to which he is deported.

(5) The Administrator shall have power to appoint, by warrant under his hand, a custodian of the movable and immovable property of any person against whom a deportation order has been made under this section and who has been deported from the Areas in pursuance thereof and may make regulations for the administration by the custodian of such property, until such time as the deportee may appoint his own representative or make other arrangements regarding such property, and generally for the better carrying out of the purposes of this sub-section.

Special provisions for prohibited immigrants (a)

11A.—(1) Any prohibited immigrant found in the Areas commits an offence against this Ordinance and may be subject to prosecution and shall be liable upon conviction to imprisonment for a term not exceeding six months or a fine of CYP 450 or both those penalties. (b)

(2) Any police officer and any control officer may arrest without warrant any person he has reasonable grounds to suspect has committed such an offence.

(3) Notwithstanding the provisions of subsections (1) and (2) above, any such prohibited immigrant who shows that he has good cause for illegal entry or presence, shall not be liable to prosecution for an offence under the Ordinance but shall instead be subject to the procedures set out in subsection (4) below.

(4) A prohibited immigrant to whom subsection (3) above applies shall be required to submit to examination of his grounds for entry and may be detained in a reception centre under the authority of the Chief Control Officer—

- (a) until such time as he has undergone a preliminary interview to identify the basis of his grounds, or*
- (b) if it appears to the Chief Control Officer that his continued presence within the Areas is such as to be likely to prejudice the peace, good order or good government within the Areas, he may be detained for such longer period as the Chief Control Officer deems necessary.*

Illegal employment (c)

11B.—(1) A person must not employ a prohibited immigrant.

(2) A person must not employ a person if such employment is contrary to the terms of any residence permit or work permit held by the person employed, regardless of whether such permit was issued—

(a) Section 11A inserted by Ordinance 6/2001 – came into force on 06 July 2001
(b) Text inserted by Ordinance 18/2004 – came into force on 06 August 2004
(c) Section 11B inserted by Ordinance 31/2010 – came into force on 18 October 2010

- (a) *by the Administration under this Ordinance or under the Refugees Ordinance 2003 (a); or*
 - (b) *by the Republic under the appropriate Republican Law or under the Republican Refugees Law 2000(b), including any law that amends or replaces those Laws and any subordinate legislation made under those Laws.*
- (3) *A prohibited immigrant must not undertake employment in the Areas.*
- (4) *A person must not undertake employment in the Areas if to do so would be contrary to the terms of any residence permit or work permit held by that person, regardless of whether such permit was issued—*
- (a) *by the Administration under this Ordinance or under the Refugees Ordinance 2003; or*
 - (b) *by the Republic under the appropriate Republican Law or under the Republican Refugees Law 2000, including any law that amends or replaces those Laws and any subordinate legislation made under those Laws.*
- (5) *A person who contravenes subsection (1) or (2) commits an offence and is liable to imprisonment for a term not exceeding 3 years or a fine not exceeding €8,543 or both.*
- (6) *A person who contravenes subsection (3) or (4) commits an offence and is liable to imprisonment for a term not exceeding 12 months or a fine not exceeding €1,708 or both.*
- (7) *If a person is convicted of an offence under subsection (5), the Court may, in addition to imposing any other penalty, make an order requiring the person to pay to the funds specified in subsection (8) all contributions (including any penalties in respect of late payment) which would have been payable if the employee had been lawfully employed—*
- (a) *in respect of the period during which the employee was employed; or*
 - (b) *if the employee was employed for less than 3 months, in respect of a period of 3 months.*
- (8) *The funds specified for the purposes of subsection (7) are the Republican funds recognised in the Areas under the following Ordinances—*
- (a) *the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 1980 (c);*
 - (b) *the Annual Holidays with Pay Ordinance 1973(d);*
 - (c) *the Employment (Termination) Ordinance 2010(e);*
 - (d) *the Human Resource Development Authority (Republic of Cyprus) (Recognition) Ordinance 2001(f); and*
 - (e) *the Social Coherence Fund Ordinance 2002(g).*

Repatriation of destitute employees

12.—(1) Where, upon the application of a Control Officer and after hearing the employer or his representative, it is shown to the satisfaction of the Court that a person, not being a citizen of, or resident, in, the Republic, or a recognised resident, has entered the Areas for the purpose of performing a contract of service in the Areas and has, during the continuance of, or within six months from, the expiration or earlier determination of such contract become a destitute person, the Court shall declare such person to be a prohibited immigrant and any expenses which have

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- (a) Ordinance 10/2003
 - (b) Law No. 6(I)/2000, Republic of Cyprus
 - (c) Ordinance 16/1980
 - (d) Ordinance 10/1973
 - (e) Ordinance 3/2010
 - (f) Ordinance 22/2001
 - (g) Ordinance 37/2002

been incurred by the Administration on account of the maintenance, medical treatment, repatriation or deportation of such person shall, thereupon, be recoverable from the employer with whom he entered into such contract and where such expenses remain unpaid, the Court shall, upon the application of a Control Officer, without further process, issue an order for the levy of the amount by seizure and sale of sufficient part of the movable property belonging to the employer or for the sale of a sufficient part of the immovable property belonging to such employer.

(2) Every such order shall be executed in the same manner as an order for the payment of a penalty under the provisions of the Criminal Procedure Code.

Recovery of expenses of deportation etc.

13.—(1) Where, upon the application of a Control Officer and after hearing the person concerned, it is shown to the satisfaction of the Court that any expenses have been incurred by the Administration in connection with the maintenance, medical treatment or deportation of any prohibited immigrant or of his wife, children or other dependants, the Court shall, without further process, issue an order for the levy of the amount by seizure and sale of a sufficient part of the movable property belonging to such person or for the sale of a sufficient part of the immovable property belonging to such person.

(2) Every such order shall be executed in the same manner as an order for the payment of a penalty under the provisions of the Criminal Procedure Code.

Liability of ship or aircraft to repatriate prohibited immigrant

14.—(1) Where a person is ordered to be deported from or to leave the Areas the master of a ship or the pilot of an aircraft, as the case may be, about to leave the Areas, shall, on production to him of the order of deportation or of the order of the Control Officer, as the case may be, and on tendering to him the expenses of the voyage, receive the person concerned and his wife, children or other dependants, if any, on board the ship or aircraft, as the case may be, and shall afford him and them passage and proper accommodation and maintenance during the voyage if by ship, to any port outside the Areas to which the ship shall call or, if by air, to any place outside the Areas at which the aircraft shall land, as the Control Officer may, in all the circumstances of the case, direct.

(2) Any master of a ship or pilot of an aircraft who refuses to receive on board as provided by sub-section (1) of this section any of the persons mentioned therein shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ~~one hundred~~ 500 pounds.**(a)**

(3) Except so far as they are defrayed under any of the preceding sections, the expenses of, or incidental to, the voyage from the Areas and the maintenance until departure of any of the persons in sub-section (1) of this section shall be payable out of the public funds.

Power to search person and baggage of suspected immigrant

15. Where a Control Officer has reason to suspect that a person about to enter the Areas is a prohibited immigrant and so informs him, it shall be lawful for the Control Officer to search or cause to be searched such person and his baggage:

Provided that the person of a female shall be searched by a female searcher only.

Special provisions

16.—(1) Any person may enter or leave the Areas through the Republic.

(2) A person who is a citizen of, or resident in, the Republic, shall be subject to deportation from the Areas if:—

(i) he has committed a breach of sections 6 or 20 or

(a) Amended by Ordinance 21/1987 – came into force on 14 November 1987

- (ii) the Administrator certifies in writing, which certificate shall not be called in question in any Court, that the presence or continued presence of such person in the Areas is prejudicial to military security or to public order,

and if the Administrator in either case makes an order in writing that such person shall be deported from the Areas.

Procedure for persons ordered to be deported

17.—(1) Any person who is ordered to be deported under the foregoing section shall first be served with a notice to that effect, which notice shall set out the period, which shall be fixed by the Administrator within which such person shall have an opportunity voluntarily to leave the Areas.

(2) If, at the expiration of the period referred to in sub-section (1) of this section, such person is still present in the Areas, he may forthwith be arrested and brought before the Court, who may confine such person in custody until he satisfies the Court that he has the bona fide intention of immediately departing from and permanently remaining out of the Areas, or until the Administrator certifies to the Court that he has rescinded the order.

(3) For the purpose of sub-section (2) of this section, the Court may require the person to be deported to produce recognisances to guarantee his intention to depart from and remain out of the Areas.

(4) Any person who has departed from the Areas under the provisions of this section, and who returns to the Areas, shall, unless or until such order is rescinded, remain subject to the provisions of this section and shall be deemed to have committed an offence contrary to sub-section (2) of section 22.

(5) Persons confined in custody under the provisions of this section may be confined in a prison or any other place approved by the Administrator, and shall be treated as remand prisoners and not as convicted prisoners.

Recognised residents list

18.—(1) The Administrator shall as soon as practicable after the appointed day cause a list (hereinafter referred to as “the recognised residents list”) to be prepared containing the names of all persons resident in the Areas on the said day.

(2) The names of the following persons shall not be included in the recognised residents list:—

- (a) a member of H.M. Forces;
- (b) a civilian employed in the service of ~~Her Majesty~~ *the Crown* (a) or of an authorised service organisation, not being in either case a stateless person or a citizen of or ordinarily resident in the Republic;
- (c) ~~members of the family or household~~ *dependants* (b) of persons described in the above two paragraphs.

(3) In deciding whether or not the name of a person shall be included in the recognised residents list under the provisions of this section the Administrator shall consider only whether the normal place of residence of such person immediately before the appointed day was situated in a part of the Colony comprised in the Areas after that day.

(4) The Administrator may at any time:—

- (a) on being satisfied that the name of any person who is qualified under the provisions of sub-section (3) of this section to be included in the recognised residents list, has been omitted, cause the name of such person to be added to the list;

(a) Amended by Ordinance 13/2009 – came into force on 28 July 2009

(b) Amended by Ordinance 13/2009 – came into force on 28 July 2009

- (b) on being satisfied that any person whose name appears on the recognised residents list is no longer resident in the Areas, or that such person has otherwise been wrongly included in such list, cause the name of such person to be deleted from such list:

provided that before causing the name of any person to be deleted from the list the Administrator shall give him not less than 28 days' notice of his intention to do so and shall take into consideration any representations which he may make.

(5) The decision of the Administrator to include, exclude or delete the name of any person in or from the recognised residents list shall be final, and shall not be called in question in any Court.

(6) The recognised residents list or copies thereof shall be available for inspection in any place designated by the Administrator by notice in the Gazette, and at such reasonable times fixed by the Administrator which shall be set out in such notice.

Recognised residents certificates

19.—(1) The Administrator may at any time:—

- (a) on receiving an application in the prescribed form from any person who was not resident in the Areas on the appointed day, grant such person certificate of recognised residence;
- (b) serve notice in the prescribed form and manner upon a person to whom a certificate of recognised residence has been granted, that such certificate has been cancelled and such certificate shall be deemed to be cancelled accordingly;
- (c) on receiving an application in the prescribed form from any person in respect of whom a certificate of recognised residence has been cancelled under the provisions of the foregoing paragraph, restore such certificate to such person.

(2) The decision of the Administrator under the provisions of this section to grant or refuse, or to cancel, or restore, or refuse to restore a recognised resident's certificate, shall be final, and shall not be called in question in any Court:

Provided that before cancelling a recognised resident's certificate the Administrator shall give to him not less than 28 days' notice of his intention to do so and shall take into consideration any representations in writing which he may make.

Restriction on residence in the Areas (a)

~~20. No person other than a recognised resident shall reside in the Areas for more than twenty eight days in any consecutive period of twelve months, save in accordance with a permit in writing issued by a Control Officer and subject to any conditions attached thereto.~~

Restriction on residence in the Areas (b)

~~20.—(1) Subject to provisions of this section, no person shall reside in the Areas for more than twenty eight days in any consecutive period of twelve months, save in accordance with a permit in writing issued by a Control Officer and subject to any conditions attached hereto.~~

~~(2) This section shall not apply:—~~

~~(a) to a recognised resident described in categories (d) and (e) of the definition of "recognised resident" in Section 2 of this Ordinance or to a person described in category (a) of the said definition who is not also a person described in category (f) of the said definition;~~

~~(b) to a recognised resident described in categories (b), (c) and (f) of the said definition, for so long as such persons are residing in any premises approved by the Administrator for their residence or temporary sojourn.~~

(a) Repealed and replaced by Ordinance 5/1971 – came into force on 29 April 1971
(b) Repealed and replaced by Ordinance 13/2009 – came into force on 28 July 2009

Restriction on residence in the Areas

20. A person other than a recognised resident must not reside in the Areas for more than 28 days in any consecutive period of 12 months, except in accordance with a permit in writing issued by a Control Officer and subject to any conditions which may be attached to it.

Business licences

21.—(1) No person other than an authorised service organisation shall carry on or set up any commercial or industrial enterprise in the Areas except under and in accordance with the terms and conditions of a licence (hereinafter called a “Business Licence”) issued by the Administrator under this Section.

(2) The Administrator shall have power to grant or refuse any application for a Business Licence and to attach to a Licence such terms and conditions as he thinks fit, and in exercising these powers shall take into account and have full regard to the extent to which the enterprise to which an application relates is connected with military requirements and the extent to which it might impair the economic, commercial or industrial unity and life of the Island of Cyprus.

(3) The Administrator shall have power to revoke a Business Licence or to vary the terms and conditions attached thereto:

Provided that before exercising his powers under this sub-section the Administrator shall give to the holder of the Licence not less than 28 days’ notice in writing of his intention to do so and shall take into consideration any representations in writing which the holder of the Licence may make.

(4) The Administrator may make Regulations to be published in the Gazette for the purpose of carrying this section into effect and in particular, but without prejudice to the generality of this provision or the powers conferred upon him by section 23, may make regulations with respect to any of the following matters:—

- (a) applications for Business Licences;
- (b) the fees payable on the issue or renewal of Business Licences and exemption from liability to fees in such cases as may be prescribed;
- (c) the exemption from the provisions of this section, until such date as may be prescribed, of enterprises being carried on in the Areas on the appointed day;
- (d) the terms for which Business Licences shall be effective;
- (e) the renewal of Business Licences.

(5) Any person who carries on or sets up any commercial or industrial enterprise in the Areas in contravention of this section shall, without prejudice to any other provisions of this Ordinance, be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding twelve months or to a fine or to both such imprisonment and fine.

Offences and penalties

22.—(1) Any person who:—

- (a) makes any false return, statement or declaration in connection with an application for a licence, permit or certificate under this Ordinance whether for himself or any other person;
- (b) by any false return, statement or declaration obtains for himself or any other person any licence, permit or certificate under this Ordinance;
- (c) unlawfully alters any licence, permit or certificate under this Ordinance;
- (d) uses or without reasonable excuse has in his possession any forged or unlawfully altered licence, permit or certificate under this Ordinance;

- (e) refuse to answer or answers falsely any question put to him by a Control Officer on any matter in respect of which a Control Officer may put questions under or for the purposes of this Ordinance;
- (f) refuses to produce to a Control Officer any document which a Control Officer may require him to produce under or for the purposes of this Ordinance;
- (g) enters the Areas contrary to the provisions of section 8;
- (h) aids or assists any prohibited immigrant or any person who is ordered to be deported under the provisions of section 16 to enter or remain in the Areas in contravention of this Ordinance;
- (i) knowingly harbours any person whom he knows or has reasonable grounds for believing to have acted in contravention of this Ordinance;
- (j) resists or obstructs, either actively or passively, any Control Officer in the execution of his duty;
- (k) being the holder of a licence, permit or certificate under this Ordinance, contravenes any term or condition contained therein;
- (l) refuses to allow himself or his baggage to be searched as provided in section 15,

shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding six months or to a fine not exceeding ~~forty~~ 450 pounds^(a) or to both such imprisonment and fine.

(2) A ~~prohibited immigrant found in the Areas,~~ a ^(b) person entering, remaining or residing in the Areas contrary to the provisions of section 6 or section 20 and a person returning to the Areas contrary to the provisions of sub-section 4 of section 17, shall be guilty of an offence and shall, without prejudice to the powers vested in a Control Officer under the provisions of section 10, or in the Administrator or the Court under section 16, be liable upon conviction to imprisonment for a term not exceeding six months or to a fine not exceeding ~~one hundred~~ 450 pounds ^(c) or to both such imprisonment and fine, unless he proves:—

- (a) that, having entered the Areas by air and not being a person who had previously been held to be a prohibited immigrant, he was proceeding to present himself to the nearest Control Officer;
- (b) that he holds a licence, permit or certificate granted under this Ordinance or any other Ordinance, to remain in the Areas: or
- (c) that, his licence, permit or certificate having expired or been revoked, he has not had a reasonable opportunity to leave the Areas.

(3) Any fine imposed on the master of a ship or the pilot of an aircraft under the provisions of this Ordinance shall be paid,

- (a) in the case of the master of a ship, before the ship's clearance is granted; and
- (b) in the case of the pilot of an aircraft before the departure of the aircraft,

and the production by a Control Officer to the proper authority at the port or airport of a copy of the order or conviction of the master or pilot, as the case may be, shall give full power to such authority to refuse the ship's clearance or the departure of the pilot of the aircraft, until it is proved to his satisfaction that such fine has been paid.

Offence of facilitating for gain the arrival in the Areas of an unlawful entrant or asylum – seeker (d)

22A.—(1) A person commits an offence if—

(a) Amended by Ordinance 21/1987 – came into force on 14 November 1987
 (b) Text deleted by Ordinance 6/2001 – came into force on 06 July 2001
 (c) Amended by Ordinance 21/1987 – came into force on 14 November 1987
 (d) Sections 22A, B and C inserted by Ordinance 17/2004 – came into force on 23 July 2004

- (a) *he knowingly and for gain facilitates the arrival in the Areas of an individual, and*
 - (b) *he knows or has reasonable cause to believe that the individual is a person*
 - (i) *whose entry into the Areas contravenes this Ordinance, or*
 - (ii) *who intends to apply for asylum in the Areas under the Refugees Ordinance 2003(a) or in respect of whom another person intends to make such an application on his behalf or to suggest to him that he should make an application on his own behalf.*
- (2) *Subsection (1) does not apply to anything done to assist an asylum-seeker by a person acting on behalf of an organisation which—*
- (a) *aims to assist asylum-seekers, and*
 - (b) *does not charge for its services.*
- (3) *Subsection (1) applies to anything done—*
- (a) *in the Areas,*
 - (b) *outside the Areas by a body incorporated under the law of the Areas, or*
 - (c) *outside the Areas by an individual who is—*
 - (i) *a British citizen,*
 - (ii) *a person who is a British overseas territories citizen by virtue of a connection with the Areas,*
 - (iii) *a recognised resident,*
 - (iv) *a person who is ordinarily resident in the Areas.*
- (4) *A person guilty of an offence under this section shall be liable on conviction to imprisonment for a term not exceeding 3 ½ (b) years, to a fine or to both.*

Forfeiture of vehicle, ship or aircraft

22B.—(1) *This section applies where a person is convicted of an offence under section 22A.*

(2) *The court may order the forfeiture of a vehicle used or intended to be used in connection with the offence if the convicted person—*

- (a) *owned the vehicle at the time the offence was committed,*
- (b) *was at the time a director, secretary or manager of a company which owned the vehicle,*
- (c) *was at the time in possession of the vehicle under a hire-purchase agreement,*
- (d) *was at that time a director, secretary or manager of a company which was in possession of the vehicle under a hire-purchase agreement, or*
- (e) *was driving the vehicle in the course of the commission of the offence.*

(3) *The court may order the forfeiture of a ship or aircraft used or intended to be used in connection with the offence if the convicted person—*

- (a) *owned the ship or aircraft at the time the offence was committed,*
- (b) *was at the time a director, secretary or manager of a company which owned the ship or aircraft,*
- (c) *was at that time in possession of the ship or aircraft under a hire-purchase agreement,*
- (d) *was at that time a director, secretary or manager of a company which was in possession of the ship or aircraft under a hire-purchase agreement.*

(a) Corrected by Corrigendum published in Gazette 18 May 2007
 (b) Amended by Ordinance 8/2019 – came into force on 01 April 2019

- (e) *was at that time a charterer of the ship or aircraft, or*
 - (f) *committed the offence while acting as captain of the ship or aircraft.*
- (4) *But in a case to which subsection (3)(a) or (b) does not apply, forfeiture may be ordered only—*
- (a) *in the case of a ship, if subsection (5) or (6) applies;*
 - (b) *in the case of an aircraft, if subsection (5) or (7) applies.*
- (5) *This subsection applies where—*
- (a) *in the course of the commission of the offence, the ship or aircraft carried more than 20 of the individuals mentioned in section 22A(1)(b), and*
 - (b) *a person who, at the time the offence was committed, owned the ship or aircraft or was a director, secretary or manager of a company which owned it, knew or ought to have known of the intention to use it in the course of the commission of an offence under section 22A.*
- (6) *This subsection applies where a ship's gross tonnage is less than 500 tons.*
- (7) *This subsection applies where the maximum weight at which an aircraft (which is not a hovercraft) make take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.*
- (8) *Where a person who claims to have an interest in a vehicle, ship or aircraft applies to a court to make representations on the question of forfeiture, the court may not make an order under this section in respect of the ship, aircraft or vehicle unless the person has been given an opportunity to make representations.*

Detention of ship, aircraft or vehicle

- 22C.**—(1) *If a person has been arrested for an offence under section 22A a control officer or a constable may detain a relevant ship, aircraft or vehicle—*
- (a) *until a decision is taken as to whether or not to charge the arrested person with that offence; or*
 - (b) *if the arrested person has been charged—*
 - (i) *until he is acquitted, the charge against him is dismissed or the proceedings are discontinued; or*
 - (ii) *if he has been convicted, until the court decides whether or not to order forfeiture of the ship, aircraft or vehicle.*
- (2) *A ship, aircraft or vehicle is a relevant ship, aircraft or vehicle, in relation to an arrested person, if it is one which the control officer or constable concerned has reasonable grounds for believing could, on conviction of the arrested person for the offence for which he was arrested, be the subject of an order for forfeiture made under section 22B.*
- (3) *A person (other than the arrested person) may apply to the court for the release of a ship, aircraft or vehicle on the grounds that—*
- (a) *he owns the ship, aircraft or vehicle,*
 - (b) *(he was, immediately before the detention of the ship, aircraft or vehicle, in possession of it under a hire- purchase agreement, or*
 - (c) *he is a charterer of the ship or aircraft.*
- (4) *The court to which an application is made under subsection (3) may, on such security or surety being tendered as it considers satisfactory, release the ship, aircraft or vehicle on condition that it is made available to the court if—*
- (a) *the arrested person is convicted; and*
 - (b) *an order for its forfeiture is made under section 22B.*

Power to Administrator to make regulations

23.—(1) The Administrator may make regulations to be published in the Gazette in respect of all or any of the following matters, that is to say:—

- (a) for the registration of any persons residing in the Areas (other than recognised residents) and for the control and regulation of their movements therein;
- (b) for prescribing the forms to be used and the forms of registers, lists, certificates, licences, permits and returns to be kept, used, made or issued under this Ordinance;
- (c) for the designation of authorities and the appointment of officers for the purposes of the regulations and for conferring on such authorities and officers and on the Chief Control Officer and the Control Officers such powers as may be necessary or expedient in connection therewith;
- (d) generally for the better carrying into effect the provisions of this Ordinance;
- (e) for prescribing anything required to be prescribed under this Ordinance.

(2) Any provision of any regulations made under this section with respect to persons may relate either to persons in general or to any class, category, or description of persons specified in such regulations.

(3) If any question arises on any proceedings under any regulations made under this section or with reference to anything done or proposed to be done thereunder, whether any person is a person of a particular class, category or description, or not, the onus of proving that such person is not a person of that particular class, category or description, as the case may be, shall lie upon that person.

(4) Any regulations made under this Ordinance may prescribe penalties upon conviction of imprisonment not exceeding three months or a fine not exceeding ~~twenty-five~~ 150 pounds (a) or to both such imprisonment and fine, for any breach thereof.

Legal proceedings (b)

24.—(1) *For the purpose of proceedings arising from this Ordinance, a Court of the Areas may take judicial notice of a law of the Republic and of any Republican document issued under it.*

(2) *For the purposes of this section, the production of a copy of any part of a Republican enactment—*

- (a) *contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic, or*
- (b) *contained in an issue of the Official Gazette of the Republic, or*
- (c) *purporting to be printed by the Government Printer of the Republic, by whatever name called,*

is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawful making of that enactment.

(3) *For the purposes of this section, a version of any part of a Republican enactment in the English language—*

- (a) *purporting to be produced by an authority of the Republic,*
- (b) *certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic,*
- (c) *given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose,*

(a) Amended by Ordinance 21/1987 – came into force on 14 November 1987

(b) Section 24 inserted by Ordinance 31/2010 – came into force on 18 October 2010

(d) stated orally in court or produced in writing by a Registrar or official court interpreter, may in any of those cases be held by the Court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican enactment or part of it in question.

(4) For the purposes of this section, the production of—

(a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made, or

(b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,

may be held by the Court to be conclusive evidence for all purposes of the contents of such document.

Control officer's powers of arrest (a)

*25. Where a control officer exercises a power of arrest, sections 16 (arrest) and 17 (search of arrested person) of the Criminal procedure Ordinance 2016**(b)** apply as if any reference in those provisions to a police officer were a reference to a control officer.*

(a) Section 25 inserted by Ordinance 9/2016 – came into force on 1 May 2016
(b) Ordinance 9/2016

ANNEX

Note on application of Control Ordinance to Cypriots, i.e. persons who are citizens of, or residents in, the Republic.

1. Under section 16(1) any person (including a Cypriot) may enter or leave the Areas through the Republic, e.i. by land and without restrictions of any kind.

2. Under section 9 (1) no person (including a Cypriot) may enter Areas by sea or air except through an approved port, i.e. a sea or airport in the Areas designated for the purpose by the Administrator.

3. Under section 7 Cypriots, among others, may enter Areas through an approved port without formality if know to, or if their identity is established to the satisfaction of, a Control Officer. In other cases they must, under section 8, produce a passport.

4. Under section 6 the Administrator has power to prohibit the entry into or continued presence in the Areas of any person including a Cypriot.

5.—(1) Under section 16 (2) the Administrator may order the deportation of a Cypriot if:—

- (a) he enters or remains in the Areas contrary to section 6 (see para. 4 above);
- (b) if he resides in the Areas in breach of section 20 (see para.7 below); or
- (c) if the Administrator certifies that his presence in the Areas is prejudicial to military security or public order.

(2) Section 17 provides for the machinery of deportation of a Cypriot and that he shall not return to the Areas so long as a deportation order remains in force.

6.—(1) Sections 18 and 19 make provision with regard to “recognised residents”, i.e. persons on the recognised residents list and persons to whom the Administrator grants recognised residents’ certificates.

(2) Cypriots will be entered in the recognised residents list if resident in the Areas on the day when the Ordinance comes into force, and if not so resident, may subsequently be granted recognised residents’ certificates at the discretion of the Administrator. Such certificates may subsequently be cancelled.

7. Under section 20 no person (including a Cypriot) who is not a recognised resident may reside in the Areas for more than 28 days in any consecutive period of twelve months without a permit issued by a Control Officer and subject to any conditions attached thereto.

8. Under section 21 no person (including a Cypriot) other than an authorised service organisation may carry on or set up any commercial or industrial enterprise in the Areas except under and in accordance with the terms and conditions of a Business Licence issued by the Administrator.

The Administrator may by Regulations provide, inter alia, for giving exemption for a limited period to enterprises being carried on, on the day the Ordinance comes into force, and provide for fees for Licences and for exemption from liability to fees.