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.

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Be it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

**Short Title**

1. This Ordinance may be cited as the European Community (Protocol Measures) Ordinance 2004.

2. This Ordinance may be cited as the European Union (Protocol Measures) Ordinance 2004. (a)

**Interpretation**

1. In this Ordinance unless the context otherwise requires—

   (b) “exit day” has the same meaning as in the European Union (Withdrawal) Act 2018, that is—
       (a) 1 February 2020 at 1.00 a.m.(c); or
       (b) any other date and time substituted under that Act (as adjusted to Eastern European Time); (d)

   (c) “the Act of Accession” means the Act concerning the Conditions of Accession of the Republic of Cyprus to the European Union;

   (d) “the EC Treaty” means the Treaty establishing the European Community;

   (e) “the European Court” means the Court of Justice of the European Communities;

   (f) “the Protocol” means the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus attached to the Act of Accession;

   “the Protocol measures” means—

   (c) the measures referred to in Part I of the Annex to the Protocol (customs and common commercial policy), with the amendments set out in that Annex;

   (d) the measures referred to in Part II of the Annex to the Protocol (turnover taxes, excise duties and other forms of indirect taxation), with the amendments set out in that Annex and those set out as applying to the Republic of Cyprus in the Act of Accession;

   (da) Part IV of the Annex to the Protocol, as read with Article 2(2) of Protocol 10 on Cyprus attached to the Act of Accession; (e)

   (e) Title II of Part Three of the EC Treaty on agriculture and the provisions adopted on their basis (having regard to the declaration made by the European Commission and recorded in the Annex to the Protocol);

(a) Title amended by Ordinance 23/2010 – came into force on 26 July 2010
(b) Existing section 2 is renumbered as subsection (1) of this section – amended by Ordinance 01/2020 -came into force on 01 February 2020
(c) See section 20. The definition of “exit day” was amended to 11.00pm Greenwich Mean Time on 31 January 2020 (which is 1.00am on 1 February 2020 on the island of Cyprus) by the European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) (No. 3) Regulations 2019 (S.I. 2019/1423).
(d) Definition inserted by Ordinance 01/2020 – came into force on 01 February 2020
(e) (da) inserted by Ordinance 01/2020 – came into force on 01 February 2020
measures adopted under article 152(4)(b) of the EC Treaty (measures in the veterinary
and phytosanitary fields);

such other provisions of the EC Treaty and related Community legislation as are applied
to the Sovereign Base Areas pursuant to article 6 of the Protocol and in respect of those
Protocol measures which are directives and regulations, they shall be interpreted for the
purposes of this Ordinance in the same way as they are to be interpreted for the purposes
of the Protocol;

“relevant Protocol obligation” means any obligation created or arising by or under the
Protocol measures, whether enforceable or not, and whether relating to the Community or the
European Economic Area.

“transition period” means the transition or implementation period defined in Articles 126 and
132 of the Withdrawal Agreement; (a)

“Withdrawal Agreement” means the Agreement under Article 50(2) of the Treaty on
European Union which sets out the arrangements for the United Kingdom’s withdrawal from
the EU (as that agreement is modified from time to time in accordance with any provision of
it). (b)

(2) In this Ordinance, on and after exit day until the end of the transition period, all references
to the Protocol and the Protocol measures mean the Protocol and Protocol measures as applied to
and in the Sovereign Base Areas by Part 4 of the Withdrawal Agreement. (c)

General Application

3.—(1) All such rights, powers, liabilities, obligations duties and restrictions from time to
time created or arising by or under the Protocol measures and all such remedies and
procedures from time to time provided for by or under the Protocol measures, as are, in
accordance with the law of the European Communities, to be given legal effect without
further enactment or used in the Sovereign Base Areas shall be recognised and available in
law, allowed and followed accordingly; and the expression “enforceable Community right”
and similar expressions shall be read as referring to one to which this section applies. (d)

(2) Any powers conferred and duties imposed of a public nature that are recognised and
available in law in accordance with subsection (1) are conferred or, as the case may be, imposed
on the Chief Officer. (e)

(3) Any power conferred or duty imposed on the Chief Officer by virtue of subsection (2) that
arises under the Protocol measures referred to in section 2(c) (excluding fisheries measures) or
section 2(d) is a general delegated function for the purposes of the Delegation of Functions to the
Republic Ordinance 2007(f).

Power to make regulations, orders and rules

4. The Administrator may make regulations, orders and rules—

(a) for the purpose of implementing any relevant Protocol obligation, or enabling any such
obligation to be implemented or of enabling any rights enjoyed or to be enjoyed by the
United Kingdom under or by virtue of the Protocol measures to be exercised; or

(b) for the purpose of dealing with matters arising out of or related to any such obligation or
rights or the coming into force, or the operation from time to time of section 3 above.

(a) Definition inserted by Ordinance 01/2020 – came into force on 01 February 2020
(b) Definition inserted by Ordinance 01/2020 – came into force on 01 February 2020
(c) Subsection (2) inserted by Ordinance 01/2020 – came into force on 01 February 2020
(d) Existing section renumber (1) and word amended by Ordinance 2/2009 – came into force on 16 March 2009
(e) Subsection (2) and (3) inserted by Ordinance 2/2009 – came into force on 16 March 2009
(f) Ordinance 17/2007
Exercise of powers and duties and construction of enactments

5. In the exercise of any power or duty contained in any Ordinance, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the objects of the Protocol and to any relevant Protocol obligation or to such rights as aforesaid and any enactment passed or to be passed other than one contained in this Ordinance shall be construed and have effect subject to this section.

Legal proceedings

6.—(1) For the purposes of all legal proceedings any question as to the meaning or effect of any Community treaty or as to the validity, meaning or effect of any Community instrument, shall be treated as a question of law and (if not referred to the European Court) be for determination as such in accordance with the principles laid down by and any relevant decision of the European Court or any court attached thereto.

(2) Judicial notice shall be taken by a court of the Areas of the Community treaties, of the Official Journal of the Communities and of any decision of, or expression of opinion by, the European Court or any court attached thereto on any such question as aforesaid; and the Official Journal shall be admissible as evidence of any instrument or other act thereby communicated of the European Community or of any Community institution.

(3) Evidence of any instrument issued by a Community institution, including any judgment or order of the European Court or any court attached thereto, or of any document in the custody of a Community institution, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution, and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.

(4) Evidence of any Community instrument may also be given in any legal proceedings—

(a) by production of a copy purporting to be printed by the Queen’s Printer or by the Government Printer of the Republic (by whatever name either is called);

(b) where the instrument is in the custody of a department of Her Majesty’s Government, by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specifically authorised to do so;

(c) by production of a copy certified by a senior official of the Government department of the Republic which is responsible for the relevant law to which the document relates.

(5) Any document purporting to be a copy as mentioned in subsection (4) shall be received in evidence without proof of the official position or handwriting of the person signing the certificate or of his authority to do so or of the document being in the custody of the department.

(6) In this section, on and after exit day until the end of the transition period, “Community treaty” includes the Withdrawal Agreement. (a)

References to the European Court

7.—(1) In this section “order” means an order referring a question to the European Court for a preliminary ruling under article 234 of the EC Treaty.

(2) An order may be made by a court of the Areas on its own initiative at any stage of any proceedings or upon the application by a party before or at the trial or hearing of those proceedings.

(3) An order shall set out in a schedule the request for the preliminary ruling of the European Court, and the court may give directions as to the manner and form in which the schedule is to be prepared.

(a) Subsection (6) inserted by Ordinance 01/2020 – came into force on 01 February 2020
(4) The proceedings in which an order is made shall, unless the court otherwise directs, be stayed until the European Court has given a preliminary ruling on the question referred to it.

(5) When an order has been made the Senior Registrar shall send a copy of it to the Registrar of the European Court but shall not do so, unless the court otherwise orders, until the time for appealing against the order has expired or, if an appeal is entered within that time, until the appeal has been determined or otherwise disposed of.

(6) The Administrator may make rules of court in relation to the making of orders.

**Provision of information**

8. Any estimate, return or other information that may, in accordance with any enactment, be furnished to an officer of the Administration or an officer of a department of the Republic of Cyprus, may, in like manner, be disclosed pursuant to a relevant Community obligation, to a Community institution.