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**POLICE (DETAINEES AND VOLUNTEERS)  
ORDINANCE 2007**

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*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.*

<b>Legislation incorporated in this Consolidation</b>	<b>Ordinance</b>	<b>Date in Force</b>
Police (Detainees and Volunteers) Ordinance 2007 <i>This Ordinance comes into force on a date to be fixed by the Administrator by an Order published in the Gazette.</i>	3/2007	09/06/2007 P.I. No. 21/2007
Police (Detainees and Volunteers) (Amendment) Ordinance 2016	16/2016	29/07/2016
Police (Detainees and Volunteers) (Amendment) Ordinance 2019	06/2019	01/05/2019

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P O L I C E ( D E T A I N E E S A N D V O L U N T E E R S )  
O R D I N A N C E 2 0 0 7

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An Ordinance to provide for the rights of person who are detained or attend voluntarily at a police station.

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

**PART 1**  
**Preliminary**

**Short Title**

1. This Ordinance may be cited as the Police (Detainees and Volunteers) Ordinance 2007.

**Interpretation**

- 2.—(1) In this Ordinance—

“appropriate adult” means, subject to subsection (2) –

- (a) a parent, guardian or some other person responsible for the relevant person’s welfare, care or custody;
- (b) someone experienced in dealing with mentally disabled people or with juveniles (as appropriate) but who is not a police officer or employed by the police;
- (c) failing these, some other responsible adult aged 18 or over who is not a police officer or employed by the police;

“detainee” means a person arrested and detained by a police officer;

“interview” means being questioned by a police officer under caution or providing a written statement to such person under caution in relation to an investigation into a criminal offence;

“juvenile” means a person under the age of 18;

“police officer” has the meaning given to that term by the Police Ordinance 1967(a);

“relevant Republican Law” means the Rights of Persons who are Arrested and Detained Law 2005 of the Republic (b) as may be amended from time to time;

“volunteer” means a person who, for the purpose of assisting with an investigation into a criminal offence, attends voluntarily at a police station or any other place where a police officer is present or accompanies a police officer to a police station without having been arrested.

- (2) A person may not act as an appropriate adult if he—

- (a) is suspected of involvement in the offence;
- (b) is the victim;
- (c) is a witness;
- (d) is involved in the investigation;

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(a) Ordinance 9/1967

(b) Law No. 163(I)/2005, Republic of Cyprus

- (e) has received admissions from the detainee or volunteer prior to attending to act as the appropriate adult;
- (f) is an advocate present at the police station in that capacity.

***Interpretation – meaning of “police station” (a)***

**2A.**—(1) *In this Ordinance “police station” means—*

- (a) *any premises or place routinely used by the Police Service as a police station; or*
- (b) *any other premises or place (which may include a movable facility) designated by the Administrator in writing as a police station.*

(2) *The Administrator may make a designation under subsection (1)(b) subject to conditions or limitations.*

(3) *A designation under subsection (1)(b) of any premises or place as a police station has effect only if a notice of the designation—*

- (a) *is prominently displayed at the designated premises or place; or*
- (b) *has been published in the Gazette.*

***Vulnerable persons (b)***

**2B.**—(1) *When exercising functions under this Ordinance in relation to a detainee or volunteer who is a vulnerable person, a police officer must have regard to the specific needs of that person which result from the fact that that person is vulnerable.*

(2) *A person is to be regarded as vulnerable if that person is not able to understand or fully participate in the process because of the person’s age or mental or physical condition, including any disability.*

**No action by police to dissuade from exercising rights**

**3.**—(1) A police officer must not do or say anything to a detainee or volunteer with the intention of dissuading that person from exercising any right conferred on him by this Ordinance.

(2) A police officer must ensure that any action to be taken under this Ordinance takes place in a language the detainee or volunteer understands including, where appropriate, through the use of an interpreter.

(3) *Where a detainee or volunteer communicates to a police officer (by whatever means) a decision not to exercise a right under this Ordinance, the police officer must inform the detainee or volunteer that such a decision may be reversed at any time. (c)*

(4) *A police officer must take the steps in subsections (5) and (6) if a detainee or volunteer communicates to the police officer (by whatever means) a decision not to exercise any of the following rights—*

- (a) *the right to consult and communicate with an advocate (see section 5);*
- (b) *in the case of a person who is neither a British national nor a citizen of the Republic of Cyprus, the rights under section 10.*

(5) *Where this subsection applies, a police officer must satisfy him or herself that—*

- (a) *before communicating the decision, the detainee or volunteer had been given clear information in simple and understandable language about the particular right and the possible consequences of relinquishing it; and*
- (b) *the relinquishment of the right is unambiguous and voluntary.*

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(a) Section 2A inserted by Ordinance 16/2016 – came into force on 29 July 2016

(b) Section 2B inserted by Ordinance 06/2019 – came into force on 01 May 2019

(c) Subsections (3) to (6) inserted by Ordinance 06/2019 – came into force on 01 May 2019

(6) *Where the police officer is not so satisfied the officer must—*

- (a) *where the officer is not satisfied as to the requirement in subsection (5)(a), ensure that this is complied with; and*
- (b) *again establish whether the detainee or volunteer wishes to exercise the right in question.*

#### **Recording of acts in custody record**

**4.**—(1) The following information must be recorded on the custody record maintained in respect of a detainee ~~or volunteer~~ (a)

- (a) a request made under this Ordinance by the detainee ~~or volunteer~~ or as the case may be, a decision by that person not to exercise a right conferred on him by this Ordinance,
- (b) the time of it, and
- (c) any other decision or action taken in accordance with that right.

~~(2) Where a provision of this Ordinance requires a detainee or volunteer to be informed of a particular right, the fact that this has been done and the time of it must be recorded in writing on the custody record maintained in respect of that person. (b)~~

*(2) Where any information is given to a detainee under this Ordinance, the fact that this has been done and the time at which it was done must be recorded on the custody record maintained in respect of that person.*

*(3) Where a detainee communicates to a police officer (by whatever means) a decision not to exercise a right under this Ordinance, this must be recorded on the custody record, along with any reasons that the person gives for that decision. (c)*

*(4) Where a detainee communicates to a police officer (by whatever means) a decision not to exercise the right to consult and communicate with an advocate (under section 5(1)), the circumstances in which that decision was taken and communicated which appear to the officer to be relevant must be recorded on the custody record.*

## **PART 2**

### **Right of access to legal advice and assistance**

#### **Access to legal advice and assistance**

**5.**—(1) A detainee or volunteer is entitled, if he so requests, to consult and communicate with an advocate privately at any time during his detention or whilst he is assisting as a volunteer, whether in person, in writing or by telephone.

*(1A) The right in subsection (1) includes a right—*

- (a) to meet the advocate in person;*
- (b) to have the advocate present at an interview;*
- (c) where the detainee or volunteer is entitled to be present during any aspect of an investigation, to have the advocate present with the detainee or volunteer. (d)*

~~(2) A detainee or (e) volunteer must be informed of the right set out in subsection (1) and of the right to advice and assistance under section 6 of the Criminal Legal Services Ordinance~~

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- (a) The words “or Volunteer” deleted wherever it appears in subsection (1) by Ordinance 06/2019 – came into force on 01 May 2019
  - (b) Subsection (2) repealed and replaced by Ordinance 06/2019 – came into force on 01 May 2019
  - (c) Subsection (3) and (4) inserted by Ordinance 06/2019 – came into force on 01 May 2019
  - (d) Subsection (1A) inserted by Ordinance 06/2019 – came into force on 01 May 2019
  - (e) Deleted by Ordinance 06/2019 – came into force on 01 May 2019

2005(a) as soon as is practicable after his ~~arrest or~~ (b) agreement to assist as a volunteer and in any event before the commencement of an interview.

(3) Where the detainee or volunteer is a juvenile, the appropriate adult who attends the police station in accordance with section 11 must, where the juvenile so requests, be permitted to be present during any consultation or communication with the advocate acting for the juvenile.

(4) Where a request is made under subsection (1)—

- (a) the detainee or volunteer must be permitted to consult an advocate as soon as is practicable except to the extent that delay is permitted by section 7;
- (b) the detainee or volunteer must not be interviewed or continue to be interviewed until he has received advice and assistance unless section 7(3) applies; and
- (c) where the detainee or volunteer has consulted an advocate, he is entitled on request to have that advocate present when he is interviewed.

(5) A detainee or volunteer must, on request, be provided with a copy of the Register of Practising Advocates compiled by the Cyprus Bar Association under the relevant Republican Law.

(6) Where the detainee or volunteer is a member of a Force of the United Kingdom, or a member of a civilian component of such a Force or a dependent of any member of such a Force or civilian component as those terms are defined by paragraph 1(a)(i), (b) and (d) respectively of Section 1 of Annex C to the Treaty of Establishment, then he must, on request, be provided with a list of advocates compiled by the Force and supplied to the Chief Constable.

#### **Presence of advocate in interview**

**6.—**(1) An advocate who is present during an interview may only be required to leave that interview if his conduct is such that the interviewer is unable properly to put questions to the volunteer or detainee.

(2) Where the interviewer believes that the advocate should be required to leave the interview he must stop that interview and consult a police officer not below the rank of Inspector.

(3) If the Inspector decides that the interview should continue in the absence of that advocate the detainee or volunteer must be given the opportunity to make a further request under section 5(1) and where he does so, the remaining provisions of section 5, of this section and of section 7 apply.

(4) Where an advocate is required to leave an interview—

- (a) the detainee or volunteer and the advocate must be told the reason for the decision; and
- (b) the reason must be noted on the custody record.

#### **Delay in compliance with section 5**

**7.—**(1) A police officer may authorise delay in compliance with a request made under section 5 in the case of a detainee who is being held in connection with an offence referred to in subsection (4).

(2) A police officer may only authorise delay under subsection (1) where he has reasonable grounds for believing that the exercise of the right conferred by section 5 at the time when the detainee desires to exercise it—

- (a) will lead to interference with or harm to evidence connected with an offence referred to in subsection (4) or interference with or physical injury to other persons; or

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(a) Ordinance 17/2005

(b) Deleted by Ordinance 06/2019 – came into force on 01 May 2019

- (b) will lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or
  - (c) will hinder the recovery of any property obtained as a result of such an offence.
- (3) A detainee who has requested advice and assistance from an advocate may be interviewed before he receives that advice and assistance only where—
- (a) subsections (1) and (2) apply; or
  - (b) the advocate nominated by the detainee has been contacted and has agreed to attend but awaiting his arrival would cause unreasonable delay to the process of investigation; or
  - (c) the advocate nominated by the detainee cannot or does not wish to attend and the detainee does not nominate any other advocate who would be willing to attend; or
  - (d) the detainee withdraws his request for advice and assistance.
- (4) The offences referred to in subsections (1) and (2) are—
- (a) treason, murder, manslaughter or kidnapping;
  - (b) an offence which has led to or is intended to lead to any of the following consequences—
    - (i) serious harm to the security of the Areas or to public order;
    - (ii) serious interference with the administration of justice or with the investigation of offences or of a particular offence;
    - (iii) the death of any person;
    - (iv) serious injury to any person;
    - (v) substantial financial gain to any person; or
    - (vi) serious financial loss to any person.
- (4A) A police officer may not authorise a delay any longer than the officer considers is necessary, having regard to the purposes for which a delay may be authorised. (a)*
- (5) If a delay is authorised—
- (a) the detainee must be told the reason for it; and
  - (b) the reason must be noted on his custody record.
- (6) A detainee whose access to an advocate is delayed must in any case be permitted to consult an advocate within 24 hours from the time of his arrest.
- (7) For the purposes of this section—
- “loss” is serious if, having regard to all the circumstances, it is serious for the person who suffers it;
- “police officer” means a police officer of at least the rank of Chief Inspector.

***Delay in compliance with section 5: application to court or Judge (b)***

*7A.—(1) This section applies where there has been a delay in compliance with a detainee’s request under section 5 to consult or communicate with an advocate privately.*

*(2) A detainee who appears in court or before a Judge may make an application that the request under section 5 be complied with immediately.*

*(3) An application under subsection (2) may be made during an appearance pursuant to any of the following provisions of the Criminal Procedure Ordinance 2016(c) if, at the time of the appearance, the request under section 5 has not yet been complied with—*

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(a) Subsection (4A) inserted by Ordinance 06/2019 – came into force on 01 May 2019  
 (b) Section 7A inserted by Ordinance 06/2019 – came into force on 01 May 2019  
 (c) Ordinance 9/2016.

- (a) *section 30 (power to remand in police custody, etc);*
  - (b) *section 31 (arrested person's appeal against remand in police custody);*
  - (c) *section 32 (prosecution appeal against release of arrested person);*
  - (d) *on criminal proceedings being commenced against the detainee, on the detainee's first appearance in court.*
- (4) *A detainee may make such an application orally and without notice.*
- (5) *If the detainee proves on the balance of probabilities that a request under section 5 has been made, the burden is on the Police Service to prove on the balance of probabilities that—*
- (a) *the request has been complied with; or*
  - (b) *the delay was lawfully authorised under section 7.*
- (6) *On hearing such an application, the court or Judge, as applicable, may—*
- (a) *determine that there has been no breach of sections 5 or 7; or*
  - (b) *order that the request under section 5 be complied with immediately.*

## PART 3

### General rights

#### **Arrested persons to be taken to police station**

**8.** A person who is arrested, whether with or without a warrant, at any place other than a police station must be taken as soon as practicable following such arrest to a police station ~~and must, without delay, be informed of the charge against him.~~ (a)

#### ***Right to information (b)***

- 8A.**—(1) *A person arrested by a police officer must be informed of—*
- (a) *the reason for the arrest including any offence which the person is suspected of or charged with having committed;*
  - (b) *the person's right of access to legal advice and assistance (see section 5);*
  - (c) *the person's right to advice and assistance under section 6 of the Criminal Legal Services Ordinance 2005(c) and the requirements for applying for it;*
  - (d) *the person's right to translation and interpretation (see sections 3(2), 8B(3) and 13);*
  - (e) *the person's right to remain silent when questioned (see section 12 of, and Schedules 1 and 2 to, Criminal Procedure Ordinance 2016(d));*
  - (f) *the person's right to consult and communicate privately with an advocate of the person's choice (see section 5);*
  - (g) *the person's right to have someone informed of the arrest (see section 9);*
  - (h) *where the detainee is a juvenile, the duty to ascertain the identity of, to contact, and to request the attendance of, an appropriate adult (see section 11)*
  - (i) *the right to make a telephone call, to receive and send letters and be provided with writing materials (see section 16)*

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(a) Text deleted by Ordinance 06/2019 – came into force on 01 May 2019  
 (b) Sections 8A, 8B & 8C inserted by Ordinance 06/2019 – came into force on 01 May 2019  
 (c) Ordinance 17/2005.  
 (d) Ordinance 9/2016.



- (j) *The right not to incriminate oneself (see the cautions to be given under the Judges' Rules (section 14 and Schedule 1 Criminal Procedure Ordinance 2016), and section 4(5) Evidence Ordinance 2010 (a));*
  - (k) *the place where it is intended the person will be detained.*
- (2) *A person arrested by a police officer must be given the information referred to in subsection (1)—*
- (a) *by a police officer;*
  - (b) *as soon as practicable after the arrest; and*
  - (c) *in any event, before the commencement of an interview, and before being brought before a court or Judge.*
- (3) *If, while a person is detained at a police station, there is a material change to the offence which the person is suspected of or charged with having committed, the person must be informed promptly.*
- (4) *The information to be provided under this section must be provided using simple and understandable language.*

### ***Right to information in writing***

**8B.**—(1) *A person arrested by a police officer must be provided with a list ("list of rights") explaining—*

- (a) *the rights referred to in section 8A(1)(b) to (j);*
  - (b) *the right to have access to arrest documents (see section 8C) and, if charged with a criminal offence, to other material relevant to the prosecution (see Criminal Procedure (Disclosure) Ordinance 2007(b));*
  - (c) *the right of detainees who are neither British citizens nor citizens of the Republic of Cyprus to inform an appropriate consular authority (see section 10);*
  - (d) *the right to clinical assistance (see section 17);*
  - (e) *the maximum time period for which the person may be detained before being brought before a court or Judge;*
  - (f) *the right to challenge the legality of the arrest and detention (see Courts (Judicial Review) Ordinance 2009(c)); and*
  - (g) *the right to appeal (under section 31 Criminal Procedure Ordinance 2016) against a remand in custody by a Judge under section 30 of the Criminal Procedure Ordinance 2016.*
- (2) *A person arrested by a police officer must be provided with the list of rights—*
- (a) *by a police officer;*
  - (b) *as soon as practicable after the arrest; and*
  - (c) *in any event, before the commencement of an interview, and before being brought before a court or Judge.*
- (3) *Except where subsection (4) applies, the list of rights must be provided in a language which the arrested person can understand.*
- (4) *Where the arrested person does not understand any of the Greek, Turkish or English languages—*
- (a) *the list of rights must be explained to the person orally in a language which the person understands; and*

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(a) Ordinance 13/2010

(b) Ordinance 16/2007, as amended by Ordinance 9/2009.

(c) Ordinance 10/2004. Amended by Ordinance 19/2005.

- (b) *a translation of the list of rights into a language which the person understands must be provided as soon as is practicable.*

*(5) The arrested person may keep a copy of the list of rights for so long as the person remains detained.*

#### ***Right to arrest warrant and supporting documents***

**8C.**—(1) *A person who is arrested may request from the Police Service copies of the following documents—*

- (a) any arrest warrant which authorised the person's arrest;*
- (b) the application for any such arrest warrant;*
- (c) any affidavit or other information which was submitted in support of such an application.*

*(2) Where the Police Service receives a request under subsection (1)—*

- (a) if the arrest was authorised by a warrant, it must provide the requested documents; or*
- (b) if the arrest was not authorised by a warrant, it must provide in writing an explanation of the legal basis for the person's arrest, including a description of the factual circumstances which made the arrest lawful.*

*(3) The Police Service must provide the information and documents required by subsection (2) as soon as practicable.*

#### **Right to have someone informed when arrested**

**9.**—(1) A detainee is entitled, if he so requests, to have one friend, relative or other person who is known to him or is likely to take an interest in his welfare told, as soon as is practicable except to the extent that delay is permitted by this section, that he has been arrested and is being detained at the relevant police station.

(2) A detainee must be informed of the right set out in subsection (1) as soon as is practicable after his detention at a police station.

(3) Delay in compliance with the right under subsection (1) is only permitted—

- (a) in the case of a detainee who is being held in connection with an offence referred to in section 7(4); and
- (b) where a police officer of at least the rank of Chief Inspector authorises it.

(4) A police officer may only authorise delay under subsection (3) where he has reasonable grounds for believing that telling the named person of the arrest—

- (a) will lead to interference with or harm to evidence connected with an offence referred to in section 7(4) or interference with or physical injury to other persons; or
- (b) will lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or
- (c) will hinder the recovery of any property obtained as a result of such an offence.

(5) If a delay is authorised—

- (a) the detainee must be told the reason for it; and
- (b) the reason must be noted on his custody record.

(6) The rights conferred by this section are exercisable whenever a detainee is transferred from one place to another for the purpose of being detained.

(7) Where the exercise of a right under subsection (1) is delayed, the detainee must in any case be permitted to exercise the right within 24 hours from the time of his arrest.

### **Detainees from foreign country (a)**

~~10.—(1) In addition to the right set out in section 9, a detainee who is neither a British Citizen nor a citizen of the Republic of Cyprus, has the right, on request, to communicate or have communicated, as soon as is practicable, the fact of his arrest, the reasons for it and his whereabouts to the appropriate High Commission, Embassy or Consulate in the Republic of Cyprus.~~

~~(2) A detainee must be informed of the right set out in subsection (1) as soon as is practicable after his detention at a police station.~~

*10.—(1) A detainee who is neither a British citizen nor a citizen of the Republic of Cyprus has the right, on request—*

- (a) to communicate or have communicated, as soon as is practicable, the fact of the arrest, the reasons for it and the detainee's whereabouts to an appropriate consular authority in the Republic of Cyprus;*
- (b) to communicate with the consular authority;*
- (c) to correspond with the consular authority;*
- (d) to have legal representation arranged by the consular authority;*
- (e) to be visited by the consular authority's staff.*

*(2) In this section—*

- (a) "consular authority" means a High Commission, Embassy or Consulate; and*
- (b) "appropriate consular authority" means the consular authority of a country of which the detainee is a national.*

*(3) If the detainee is a national of two or more countries, the detainee has a choice of appropriate consular authority.*

### **Juveniles**

**11.—**(1) Where a juvenile is detained or agrees to assist as a volunteer such steps as are practicable must be taken to ascertain the identity of an appropriate adult.

(2) If it is practicable to ascertain the identity of an appropriate adult that person must be informed, unless it is not practicable to do so, of the fact of the juvenile's arrest, or his agreement to assist as a volunteer, the reasons for it and his whereabouts.

(3) The appropriate adult contacted under subsection (2) must be asked to attend the police station in order to communicate with and assist the juvenile and, where he does so attend, such person may be present during an interview.

(4) The duties under this section must be performed as soon as practicable following the juvenile's detention or attendance at a police station and in any event before the commencement of an interview.

### **Detainees and volunteers suffering from mental disability**

**12.—**(1) Where a detainee or volunteer is, or appears to be suffering from a mental disability, such steps as are practicable must be taken to ascertain the identity of an appropriate adult.

(2) If it is practicable to ascertain the identity of an appropriate adult that person must be informed, unless it is not practicable to do so, of the fact of the detainee's arrest, or his agreement to assist as a volunteer, the reasons for it and his whereabouts.

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(a) Repealed and replaced by Ordinance 06/2019 – came into force on 01 May 2019

(3) The appropriate adult contacted under subsection (2) must be asked to attend the police station in order to communicate with and assist the detainee or volunteer and, where he does so attend, such person may be present during an interview.

(4) The duties under this section must be performed as soon as practicable following the detainee's detention or volunteer's attendance at a police station and in any event before the commencement of an interview.

#### **Use of interpreters for certain detainees or volunteers**

**13.**—(1) If a detainee or volunteer appears deaf or there is any doubt about their hearing or speaking ability or ability to understand the language spoken by any police officer concerned with his case, then as soon as practicable an interpreter must be called to attend the police station and provide such assistance as may be necessary to enable effective communication to take place.

(2) The provision of assistance under subsection (1) must in particular include assistance in the exercising of any right conferred by this Ordinance.

(3) The duty under subsection (1) must be performed as soon as practicable following the detainee's detention or volunteer's attendance at a police station and in any event before the commencement of an interview.

#### **No interview until rights exercised**

**14.** A detainee or volunteer must not be interviewed until he has been informed of his rights under this Part and, except where delay is permitted by section 9(3) and (4), any appropriate action has been taken.

#### **Providing list of rights**

**15.** The police officer in charge of the police station must ensure that a list of the rights established by this Ordinance is displayed in the custody area in Greek, Turkish and English.

## **PART 4**

### **Rights on detention**

#### **Right of detainees to make a telephone call and receive or send letters**

**16.**—(1) In addition to a telephone call made under Part 3 but except to the extent that delay is permitted by this section, a detainee may, *as soon as practicable after the arrest*,<sup>(a)</sup> on request, telephone one person for a reasonable period of time.

(2) A detainee is entitled, except to the extent that delay is permitted by this section, to receive and send letters and must, for this purpose, be provided with writing materials on request.

(3) A detainee must be informed of the rights set out in subsections (1) and (2) as soon as is practicable after his detention. <sup>(b)</sup>

(4) Delay in compliance with the rights under subsections (1) and (2) is only permitted—

(a) in the case of a detainee who is being held in connection with an offence referred to in section 7(4); and

(b) where a police officer of at least the rank of Chief Inspector authorises it.

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(a) Text inserted by Ordinance 06/2019 – came into force on 01 May 2019

(b) Subsection (3) repealed by Ordinance 06/2019 – came into force on 01 May 2019

(5) A police officer may only authorise delay where he has reasonable grounds for believing that allowing the communication to take place—

- (a) will lead to interference with or harm to evidence connected with an offence referred to in section 7(4) or interference with or physical injury to other persons; or
- (b) will lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or
- (c) will hinder the recovery of any property obtained as a result of such an offence.

*(5A) A police officer may not authorise a delay any longer than the officer considers necessary, having regard to the purposes for which a delay may be authorised. (a)*

(6) If a delay is authorised—

- (a) the detainee must be told the reason for it; and
- (b) the reason must be noted on his custody record.

(7) Where the exercise of a right under subsection (1) or (2) is delayed, the detainee must in any case be permitted to exercise the right within 24 hours from the time of his arrest.

(8) Before a telephone call is made or letter sent or received the detainee must be informed—

- (a) that the contents of a telephone call or letter (other than one with his advocate) may be listened to or read; and
- (b) that a telephone call may be terminated by a police officer where there is reason to believe the right is being abused.

***Delay in compliance with section 16: application to court or Judge (b)***

**16A.**—(1) *This section applies where there has been a delay in compliance with a detainee's request under section 16—*

- (a) to make a telephone call;*
- (b) to receive or send letters; or*
- (c) to be provided with writing materials.*

*(2) A detainee who appears in court or before a Judge may make an application that the request under section 16 be complied with immediately.*

*(3) An application under subsection (2) may be made during any of the following types of appearance if, at the time of the appearance, the request under section 16 has not yet been complied with —*

- (a) an appearance before a Judge under section 30 of the Criminal Procedure Ordinance 2016 (power to remand in police custody, etc);*
- (b) an appearance under section 31 of the Criminal Procedure Ordinance 2016 (arrested person's appeal against remand in police custody);*
- (c) an appearance under section 32 of the Criminal Procedure Ordinance 2016 (prosecution appeal against release of arrested person);*
- (d) on criminal proceedings being commenced against the detainee, on the detainee's first appearance in court.*

*(4) A detainee may make such an application orally and without notice.*

*(5) If the detainee proves on the balance of probabilities that a request under section 16 has been made, the burden is on the Police Service to prove on the balance of probabilities that—*

- (a) the request has been complied with; or*

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(a) Subsection (5A) inserted by Ordinance 06/2019 – came into force on 01 May 2019

(b) Section 16A inserted by Ordinance 06/2019 – came into force on 01 May 2019

- (b) the delay was lawfully authorised under section 16.*
- (6) On hearing such an application, the court or Judge, as applicable, may—*
  - (a) make a ruling that there has been no breach of section 16; or*
  - (b) order that the request under section 16 be complied with immediately.*

### **Right to clinical assistance**

**17.—**(1) A detainee is entitled to receive appropriate clinical attention as soon as is reasonably practicable if he—

- (a) appears to be suffering from a physical illness;
- (b) is injured;
- (c) appears to be suffering from a mental disorder; or
- (d) appears to need clinical attention.

(2) The right under subsection (1) applies even if the detainee has not made any request for clinical assistance.

(3) The detainee may, at his own expense, elect to be examined by an appropriate healthcare professional of his own choice.

(4) If the detainee does not exercise his right under subsection (3) the examination will take place by such healthcare professional as may be nominated by a police officer dealing with his case.

(5) Any examination or assistance carried out under this section must, except where subsection (6) applies, take place in a private area where a police officer can neither see nor hear the examination.

(6) A police officer of the same sex as the detainee may be present during a clinical examination if he has reasonable cause to believe that without his presence, the safety of the healthcare professional would be at risk.

(7) The healthcare professional must record in the custody record his findings and any clinical directions and advice given to the police officer dealing with the detainee as a result of the examination.

(8) A detainee must be informed of the rights set out in this section as soon as is practicable after his detention.

### **Detention of juveniles and detainees of opposite sex**

**18.** Where it is practicable to do so—

- (a) a juvenile detainee must be held in a cell which is separate to any cell in which an adult detainee is being held; and
- (b) a female detainee must be held in a cell which is separate to any cell in which a male detainee is being held.

### **Arrangements for breast feeding**

**19.** Where it is practicable to do so, a police officer must, on request, make such arrangements as may be necessary to enable a female detainee who is breast feeding to continue with such feeding during the period of her detention.

## PART 5

### Miscellaneous

#### **Repeal**

**20.** Section 13 (arrested persons to be taken to police station or place for reception of arrested person) of the Criminal Procedure Ordinance<sup>(a)</sup> is repealed.

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<sup>(a)</sup> Cap 155, Statue 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 (5/1968)