



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE

No. 236 of 8th APRIL, 1968.

LEGISLATION.

ORDINANCE 4 OF 1968.

AN ORDINANCE

TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE CONTROL OF TRADE UNIONS AND TO PROVIDE FOR THE RECOGNITION IN THE SOVEREIGN BASE AREAS OF TRADE UNIONS REGISTERED IN THE REPUBLIC AND FOR MATTERS RELATED THERETO.

E. GORDON JONES,
ADMINISTRATOR.

6th April, 1968.

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

1. This Ordinance may be cited as the Trade Unions Ordinance, 1968.

Short title.

2. In this Ordinance unless the context otherwise requires—

Interpretation.

“Chief Officer” means the Chief Officer, Sovereign Base Areas;

“confederation” means an association of two or more recognised trade unions established for the purpose of acting as a consultative or advisory body and co-ordinating the activities of such trade unions and generally for the purpose of the statutory objects;

“employer” includes the owner, director, manager or any other person or persons having or taking part in the central control or management of any industrial, commercial or other undertaking belonging to any individual, partnership, company or other corporate or unincorporate body employing any workman for the purposes of its business or service;

“officer” when used with reference to a trade union, includes any member of the committee of management or the committee of any branch thereof, but does not include an auditor;

“recognised confederation” means a confederation recognised under section 19 of this Ordinance;

“recognised trade union” means a trade union recognised under section 3 or section 24 of this Ordinance:

“Republican law” means the Trade Unions Law 1965 of the Republic or any other Republican law amending or replacing the same;

“Republican Registrar” means the Registrar as defined in the Republican law or any other officer of the Republic by whatever name called authorised to exercise similar powers under any Republican law amending or replacing the same;

“trade dispute” means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment, or with the conditions of labour, of any person;

“trade union” means any combination, whether temporary or permanent, the principal objects of which are, under its constitution, statutory objects whether such combination would or would not, if this Ordinance had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its objects being in restraint of trade and shall include a federation of two or more recognised trade unions the members of which are engaged in the same or similar trade or calling:

Provided that nothing in this Ordinance shall—

(a) affect:—

- (i) any agreement between partners as to their own business or any trading agreement between employers;
- (ii) any agreement between an employer and those employed by him as to such employment;
- (iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or

- (b) preclude any trade union from providing benefits for its members;

“workman” means any person who has entered into or works under a contract with an employer whether the contract be by way of manual labour, clerical work, or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

3.—(1) It shall be lawful for every trade union duly registered under the Republican law to operate in the Areas under the name by which it is registered in the Republic and without prejudice to the provisions of section 24 of this Ordinance, such trade union shall be a recognised trade union for the purposes of this Ordinance.

Republican registered trade unions to be recognised in the Areas.

(2) A certificate of registration lawfully issued under the Republican law shall unless proved to have been cancelled or withdrawn under that law, be conclusive evidence for all purposes that the trade union referred to therein has been duly registered under that law.

(3) All officers of a recognised trade union whose names are registered in the Republic as officers of such trade union under the Republican law shall be recognised in the Areas as officers of the same trade union.

(4) Every trade union which operates in the Areas not being recognised under this Ordinance shall on conviction be liable to a fine not exceeding twenty five pounds for every week during which it is so in operation and every officer of any such trade union shall be liable to be convicted and fined a like amount in respect of the same offence.

4. Any trade union formed by amalgamation of any two or more recognised trade unions which are registered in the Republic under the Republican law shall be recognised as a trade union in the Areas for the purpose of this Ordinance.

Amalgamation of recognised trade unions.

5. Any registration in the Republic under the Republican law of the dissolution of a recognised trade union or any branch thereof shall have effect in the Areas from the date of such registration.

Dissolution.

6. A copy of any entry in the Register kept and maintained in the Republic under the Republican law which is certified under the hand and seal of the Republican Registrar shall in the Areas be conclusive proof of the facts specified therein and shall be admitted in evidence for all proceedings.

Copies of entries in the Republican Register to be conclusive proof of facts specified therein.

7. A trade union in the Areas shall not enjoy any of the rights, immunities or privileges conferred by this Ordinance until it is recognised under this Ordinance.

Disabilities of unrecognised trade unions.

Power of trade union to enter into contracts etc.

8. A recognised trade union shall, subject to the provisions of this Ordinance and its rules, have power to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purpose of its constitution and objects.

Trade union not criminal.

9. The purposes of any recognised trade union shall not by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Trade union not unlawful for civil purposes.

10. The purposes of any recognised trade union shall not by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Conspiracy in relation to trade disputes.

11.—(1) An agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by two or more persons, shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any Ordinance.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the Crown.

(5) A crime for the purpose of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on conviction and is sentenced to imprisonment, the imprisonment shall not exceed six months or such longer time, if any, as may have been prescribed by law for the punishment of the said act when committed by one person.

Immunity from civil suit in certain cases.

12. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that such act induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or of his labour as he wills.

Peaceful picketing.

13. It shall be lawful for one or more officers or members of a recognised trade union involved in a trade dispute and for one or more persons, acting on behalf of an individual employer or

firm in contemplation or furtherance of a trade dispute, to attend at a place where a person works or carries on business if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working:

Provided that any picketing shall not extend beyond the boundaries of the place where there is a trade dispute.

14. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority:—

Intimidation
and annoyance.

- (a) uses violence to, or intimidates, such other persons or his wife or children, or injures his property; or
- (b) persistently follows such other person about from place to place; or
- (c) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such other person resides or works or carries on business or happens to be or the approach to such house or place; or
- (e) follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

15. Any person who, with intent to deceive, gives to any member of a recognised trade union or to any person intending or applying to become a member of such trade union any document purporting to be a copy of the rules of the trade union or of any alterations thereto which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unrecognised trade union to any person on the pretext that such rules are the rules of a recognised trade union, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Supplying false
information
regarding
trade unions.

16.—(1) It shall not be lawful:—

- (a) to make the employment of a workman subject to the condition that he shall not join a trade union or shall relinquish trade union membership; or

Freedom of
association of
workmen.

(b) to cause the dismissal of or otherwise prejudice a workman by reason of trade union membership or because of participation in trade union activities outside working hours or, with the consent of the employer, within working hours.

(2) Nothing herein contained shall restrict the freedom of an employer to engage a workman of his choice irrespective of whether such workman is or is not a member of a trade union.

(3) Any person who contravenes the provisions of subsection (1) of this section and every person who, whether acting on his own behalf or on behalf of a trade union or of an employer and whether or not acting in contemplation or furtherance of a trade dispute, compels, persuades, or induces, or attempts to compel, persuade or induce, any employer to contravene the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds.

(4) Where the person contravening subsection (1) of this section is a body corporate, every director, manager, secretary or other officer of the body corporate who knowingly authorises or permits the contravention shall be guilty of the same offence and shall be liable to the same punishment as the corporate body.

Limitation of prosecutions.

17. No prosecution shall be instituted under this Ordinance except by, or at the instance of, or with the written consent of, the Legal Adviser.

Application of Ordinance to confederations.

18. This Ordinance shall apply, in so far as applicable, to confederations as if the component trade unions comprising any such confederation were individual members of a trade union.

Recognition of confederations and officers.

19. All confederations registered in the Republic under the Republican law shall be recognised confederations for the purposes of this Ordinance, and all officers of a recognised confederation lawfully holding such office under the Republican law shall be recognised in the Areas under this Ordinance.

Notification in Gazette.

20. A copy or translation of any notification under the Republican law in the official Gazette of the Republic in respect of any trade union may be published in the English language by or on behalf of the Chief Officer in the Gazette of the Areas.

Service of legal process.

21. Every summons notice or other document required to be served on a recognised trade union or any branch thereof in any civil or criminal proceeding shall be deemed to be duly served if it is delivered at the registered office of the trade union or branch thereof in the Republic.

Trade union not a company. Cap. 113 (Laws of Cyprus).

22. The Companies Ordinance shall not apply to any trade union and the registration or recognition as a Company of any trade union under that Ordinance shall be void.

23. The Registration of Clubs Ordinance shall not apply to any recognised trade union.

Trade union not a Club. Cap. 112 (Laws of Cyprus).

24. This Ordinance shall come into operation on the tenth day of April, 1968 and thereupon the Trade Unions Ordinance and the Trade Unions Regulations shall be repealed:

Day of commencement, repeal and savings. Cap. 117 (Laws of Cyprus). S.L. Vol. I page 338 Gazette (Cyprus) Sup. No. 3 30.6.1958.

Provided that—

- (a) every trade union lawfully enjoying, at the date of the coming into operation of this Ordinance, the rights, immunities and privileges conferred by the Ordinance hereby repealed shall, if it is not otherwise recognised under section 3 of this Ordinance, be a recognised trade union for the purposes of this Ordinance and a certificate under the hand of the Chief Officer that any such trade union is so recognised under this section shall be conclusive proof of such fact and shall be admitted in evidence in all proceedings;
- (b) where in any Ordinance reference is made to a trade union registered under the Ordinance hereby repealed such reference shall be deemed to apply to a trade union recognised or deemed to be recognised under this Ordinance.

P.G. ADAMS,

Acting Chief Officer.

6th April, 1968.
