



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 436 of 1st May, 1976.**  
**LEGISLATION**

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ORDINANCE 2 OF 1976.

**AN ORDINANCE**

TO PROVIDE FOR THE SUSPENSION OF  
SENTENCES OF IMPRISONMENT IN CERTAIN CASES.

R. D. AUSTEN-SMITH  
ADMINISTRATOR

15th April, 1976.

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 Suspended Sentences of Imprisonment Ordinance, 1976. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.

“sentence of imprisonment” does not include a committal in default of payment of any sum of money adjudged or due by virtue of any enactment or for failure to do or abstain from doing anything required to be done or left undone.
- 3.—(1) A Court which passes a sentence of imprisonment for a term of not more than two years for an offence, may order that the sentence shall not take effect unless, during a period of three years specified in the order and commencing from the date of such order (hereinafter referred to as “the operational period”) the offender commits another offence in the Areas punishable with imprisonment and thereafter a Court having power to do so orders under section 4 of this Ordinance that the original sentence shall take effect. Suspended sentences of imprisonment.

(2) A Court which passes a suspended sentence under subsection (1) of this section on any person for an offence shall not make a probation order under the Probation of Offenders Ordinance in his case in respect of another offence for which he is dealt with by the Court. Cap. 162 (Laws of Cyprus).

(3) On passing a suspended sentence the Court shall explain to the offender in ordinary language his liability under Section 4 of this Ordinance if during the operational period he commits an offence punishable with imprisonment.

(4) Subject to any provision to the contrary contained in this or any other Ordinance or subsidiary legislation—

- (a) a suspended sentence which has not taken effect under section 4 of this Ordinance shall be treated as a sentence of imprisonment, for the purposes of all enactments except any enactment for disqualification for, or loss of office, or forfeiture of pension, of persons sentenced to imprisonment; and
- (b) where a suspended sentence has taken effect under the said section 4, the offender shall be treated for the purposes of the said excepted enactment as having been convicted on the ordinary date on which the period allowed for making an appeal against an order under that section expires, or, if such an appeal is made, the date on which it is finally disposed of or abandoned.

Power of Court on conviction of further offences to deal with suspended sentence.

4.—(1) Where an offender is convicted of an offence punishable with imprisonment committed during the operational period of a suspended sentence and either he is so convicted by the Judge's Court or he subsequently appears or is brought before the Judge's Court then, unless the sentence has already taken effect, that Court shall consider his case and deal with him by one of the following methods:—

- (a) the Court may order that the suspended sentence shall take effect with the original term unaltered;
- (b) it may order that the sentence shall take effect with the substitution of a lesser term for the original term;
- (c) it may by order vary the original order under sub-section (1) of section 3 by substituting for the period specified therein a period expiring not later than two years from the date of the variation; or
- (d) it may make no order with respect to the suspended sentence,

and a Court shall make an order under paragraph (a) of this sub-section unless the Court is of opinion that it would be unjust to do so in view of all the circumstances which have arisen since the suspended sentence was passed, including the facts of the subsequent offence, and where it is of that opinion the Court shall state reasons.

(2) Where a Court orders that a suspended sentence shall take effect, with or without any variation of the original term, the Court may order that that sentence shall take effect immediately or that the term thereof shall commence on the expiration of another term of imprisonment passed on the offender by that Court.

(3) For the purposes of the Criminal Procedure Ordinance or any other enactment conferring rights of appeal in criminal cases, any such order made by a Court shall be treated as a sentence passed on the offender by that Court for the offence for which the suspended sentence was passed.

5.—(1) A Court which passes a sentence of imprisonment on any person for one or more offences and—

Suspended sentence supervision orders.

- (a) the term of imprisonment exceeds six months or where that person is sentenced to two or more terms of imprisonment the aggregate of which exceeds six months ;

and

- (b) the Court passes a suspended sentence under section 3, the Court may, notwithstanding the provisions of section 34 of the Criminal Code, make a suspended sentence supervision order (hereinafter referred to as a "supervision order") placing the offender under the supervision of a supervising officer for a period specified in the order not exceeding the operational period under sub-section (1) of section 3 of this Ordinance.

Cap. 154 (Laws of Cyprus), Ordinances 11/63, 17/63, 10/66, 8/72, 1/73 and 4/74.

(2) A supervision order shall specify the area in which the offender resides and the supervising officer shall be a Probation Officer appointed for or assigned to that area.

(3) An offender in respect of whom a supervision order is in force shall keep in contact with the supervising officer in accordance with such instructions as may from time to time be given by that officer and shall notify him of any change of address.

(4) Where there is a change of address of any person under a supervision order or of any circumstances which led to the making of an order, the Court shall amend the supervision order accordingly.

(5) On making a supervision order the Court shall in ordinary language explain its effect to the offender.

6.—(1) If it appears to a Judge's Court that an offender has been convicted in the Areas of an offence punishable with imprisonment committed during the operational period of a suspended sentence and that he has not been dealt with in respect of the suspended sentence, the Judge may issue a summons requiring the offender to appear at the place and time specified therein.

Commission of another offence or failure to comply with suspension order.

(2) If it appears to the Judge's Court that a person in respect of whom a supervision order has been made has failed to comply with it the Judge may issue a summons requiring that person to appear at the place and time specified therein ; and if it appears that such person has failed to comply the Judge may, without prejudice to the continuance of the supervision order, impose a fine not exceeding fifty pounds.

A.W. STEPHENS

Chief Officer.

15th April, 1976.

(128/41)

