



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1229 of 22nd November 2001**  
**LEGISLATION**

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ORDINANCE 22 OF 2001

**AN ORDINANCE**  
**TO CONSOLIDATE WITH AMENDMENTS THE**  
**INDUSTRIAL TRAINING AUTHORITY (REPUBLIC OF**  
**CYPRUS) (RECOGNITION) ORDINANCE 1979 AS**  
**AMENDED BY THE INDUSTRIAL TRAINING**  
**AUTHORITY (REPUBLIC OF CYPRUS) (RECOGNITION)**  
**(AMENDMENT) ORDINANCE 1980 AND TO PROVIDE**  
**FOR THE RECOGNITION WITHIN THE SOVEREIGN**  
**BASE AREAS OF THE HUMAN RESOURCE**  
**DEVELOPMENT AUTHORITY OF CYPRUS WHICH IS**  
**THE NAME UNDER WHICH THE INDUSTRIAL**  
**TRAINING AUTHORITY OF CYPRUS IS TO CONTINUE**  
**TO BE ESTABLISHED**

**T. W. RIMMER**  
**ADMINISTRATOR**

14th November 2001.

**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 Human Resource Development Authority (Republic of Cyprus) (Recognition) Ordinance 2001.

Interpretation.

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

“authorised service organisation”, “civilian component” and “dependant” mean respectively an authorised service organisation, civilian component and dependant as those expressions are respectively defined in the Treaty of Establishment;

“Authority” means the Human Resource Development Authority which, by the Republican Law, is the name under which the Industrial Training Authority established under the Industrial Training Law 1974 as amended is to continue to be established;

“emoluments” includes any monetary remuneration from the employment of an employee or any profit from such employment having a monetary value, and in addition it

Law No. 125(I)/99  
(Republic).

Laws Nos. 21/74,  
6/75, 17/80 and  
15/80 (Republic).

includes the contributions payable to the Fund established under the Annual Holidays with Pay Ordinance, excluding special commissions and ex-gratia payments;

Ordinances 10/73,  
12/79 and 21/80.

“employee” means any person who works for another person (other than an exempt person) whether under a contract of employment or apprenticeship or in such circumstances as to lead to the conclusion that there exists a relationship of employer and employee; and the term “employer” shall be construed accordingly and shall include the Crown in any capacity but shall not include the Government of the Republic:

Provided that the term “employee” includes a person who is not working but who is deemed to be working, for the purposes of providing him with training and opportunity to seek work and employment on completion of his training:

Provided further that the term “employee” includes any person employed, permanently or temporarily, in a permanent or other position, by any body corporate or by any public utility body not having legal personality, established by law in the public interest:

Provided further that the term “employee” includes any person who is a shareholder in a private company, as this term is defined in the Companies Ordinance, and is working in such company, but not under a contract of service or in such circumstances as to lead to the conclusion that there exists a relationship of employer and employee;

Cap.113 (Laws of  
Cyprus) and  
Ordinances 11/68,  
10/87, 7/90 and 7/95.

“employee of the Authority” means any officer or employee of the Authority whether holding a post either temporarily or permanently or in an acting capacity;

“exempt person” means a member of Her Majesty’s Forces, a member of a Civilian Component, a person enjoying the rights and facilities of members of Her Majesty’s Forces by virtue of paragraph 3 of section 9 of Part II of Annex B of the Treaty of Establishment, or if employed in the service of the Crown or an authorised service organisation, a dependent of any such member or person;

“Fund” means the Human Resource Development Fund established under the Republican Law;

“industrial dispute” means any dispute between employers and employees in relation to the employment or non-employment or the conditions and terms of employment of any persons whether employed by the employer with whom the dispute has arisen or not;

“Industrial Disputes Tribunal” means (subject to section 11(2)) the Industrial Disputes Tribunal established under section 16 of the Annual Holidays with Pay Ordinance;

Ordinances 10/73,  
12/79 and 21/80.

“inspector” means a person recognised or appointed as an inspector under section 6;

“levy” means a levy payable by employers into the Fund;

“premises” means any place or building in which employees are employed and any other place where training institutes or centres or organisations are accommodated or anywhere else

where training programmes approved by the Authority are implemented or where other activities within the Authority's responsibilities are carried out;

"Republican Law" means the Manpower Development Authority Law 1999 and any Republican Law amending or substituted for the same;

"training" means the planned and systematic procedure of *ab initio* learning, training and retraining of persons, leading to the effective execution of work through the acquisition, development and improvement of knowledge and skills or the change in the way of thinking and perception aiming at the improvement of the efficiency of the economy. Such persons may already be employed or intending to be employed in any occupation and any grade thereof in order to meet the needs of the economy in manpower. The term "programme of training" shall be construed accordingly:

Provided that the term "training" does not include any school education.

3. Subject to the provisions of this Ordinance, the Authority shall continue to be recognised in the Areas as having the rights and duties of a body corporate as if it had been established under the provisions of this Ordinance and shall have the same powers in the Areas as those conferred upon it under the Republican Law for the purpose of carrying out its objects as specified in the same enactment.

4. The Authority may require by a notice in writing within such period of time as may be specified in the notice -

- (a) any employer to submit information relating to any person employed by him,
- (b) any training centre, institute, organisation, enterprise or trainee which or who is participating in or who has participated in any training programme, to furnish information about any training programme approved by the Authority,

and any person on whom such a notice has been served under this section shall comply with the requirements of the notice.

5. - (1) The Administrator may, at the request of the Authority, acquire under the provisions of the Land Acquisition Ordinance immovable property for the Authority as if such acquisition were for a work of public utility within the meaning of that Ordinance, and as if the Authority were a public body for the purposes of that Ordinance.

(2) The Authority may, with the approval of the Administrator, dispose of any of its immovable property by donation, sale, exchange or by any other means.

6. - (1) Any person appointed to act as an inspector under the provisions of the Republican Law, and any certificate of his appointment issued to such inspector under the provisions of the Republican Law, shall be recognised in the Areas as if this Ordinance provided for such appointments and the issue of such certificates and as if such appointments were made and such certificates were issued under this Ordinance.

Law No. N.125(I)/99  
(Republic).

Continuation of  
recognition in the  
Areas of the  
Human Resource  
Development  
Authority of the  
Republic.

Power to obtain  
information.

Power of  
compulsory  
acquisition of  
immovable property.  
Cap.226 (Laws of  
Cyprus) and  
Ordinances 12/63,  
9/64, 1/86, 4/87,  
19/88 and 10/93.

Appointment of  
inspectors.

(2) Any person such as is described in subsection (1) above shall, if so requested, produce his certificate of appointment when he seeks entry into any premises.

(3) The powers of a person recognised under subsection (1) above may be exercised to the like extent and in like manner as if such person had been authorised to exercise his powers by Order of the Administrator made under section 3 of the Powers and Duties (Officers of the Republic of Cyprus) (Consolidation) Ordinance and without prejudice to the generality of the foregoing, sections 4 to 9 of that Ordinance and paragraphs 2 to 4 of the Powers and Duties (Officers of the Republic of Cyprus) (Consolidation) Order shall apply in relation to a person recognised under subsection (1) above as they apply to a person who has been authorised to exercise his powers by Order of the Administrator made under section 3 of that Ordinance.

Ordinance 4/76.

P.I. No.54/76.

(4) Without prejudice to subsections (1) and (2) above, the Administrator may appoint by instrument under his hand or by notice in the Gazette any person to be an inspector for the purposes of this Ordinance.

7. - (1) An inspector shall, for the purposes of carrying out the provisions of this Ordinance and any regulations made under it and for ascertaining whether or not the said provisions have been or are being complied with, have power –

Powers of inspectors.

- (a) to enter at any reasonable time any premises not being a dwelling house, at which he believes, on reasonable grounds, any persons are employed;
- (b) to carry out any necessary enquiry and investigation;
- (c) with reference to any matters concerning this Ordinance or any regulations made under it, in respect of which it is reasonable or necessary to seek information, to examine, by questioning either on his own or, if he deems this necessary, in the presence of another person, any person whom he may find in any undertaking or whom he reasonably believes to be or to have been an employee of any undertaking and to require him to submit to such examination;
- (d) to carry out any other activity necessary for the application of the provisions of this Ordinance and of any regulations made under it.

(2) The owner of any premises and any other person who employs or who has employed any employee, the servants or agents of any such owner and any employee of his, shall furnish to an inspector any information and shall produce to him for examination any document which he may reasonably require for the purposes of his exercising his powers under this section.

8. The employees of the Authority as well as any other person authorised to carry out any duty or to exercise any power by virtue of this Ordinance shall be deemed for the purposes of any provision of the Areas relating to offences, as being in the service of the Administration.

Employees of the Authority.

9. An employer shall pay to the Fund a levy not exceeding one percent of the emoluments of each of his employees as may be specified from time to time under the provisions of this Ordinance or regulations made under it.

Obligation of employers to pay levies.

**10. The Authority shall be exempted from -**

- (a) any payment in accordance with the Customs legislation of the Areas from time to time in force, of any taxes or duties on any articles or materials of any nature, including equipment, vehicles, instruments, tools and materials imported solely for the use by the Authority and not intended for sale to the public;
- (b) any payment of stamp duties required by any legislation in force relating to stamp duties.

Authority's exemption from taxes and duties.

Jurisdiction of Industrial Disputes Tribunal.

**11. - (1)** Notwithstanding the provisions of any other Ordinance, the Industrial Disputes Tribunal shall have exclusive jurisdiction to hear and determine any dispute arising out of the application of this Ordinance or any regulations made under it, including any incidental or supplementary matter relating to such dispute.

(2) Any disputes such as are referred to in subsection (1) above, shall be treated as if they were civil proceedings to which Part III of the Citizens of the Republic (Jurisdiction of Courts) Ordinance applies and for such purpose the Industrial Disputes Tribunal as defined in the Republican Law shall be treated as if it were a District Court of the Republic.

Ordinance 6/60.

Effect of decisions of Industrial Disputes Tribunal.

**12. - (1)** A decision of the Industrial Disputes Tribunal adjudicating any sum may be executed in the same manner as a decision of a civil court.

(2) Sums adjudicated by the Industrial Disputes Tribunal shall be included among the debts which -

- (a) in accordance with section 38 of the Bankruptcy Ordinance in the course of the distribution of the property or assets of a bankrupt are to be paid in priority to all other debts; and
- (b) in accordance with section 300 of the Companies Ordinance, in the course of a winding up of a company are to be paid in priority to all other debts,

if an application to that effect is made to the Industrial Disputes Tribunal before a Receiving Order is made in respect of the debtor, or as the case may require, before the commencement of the winding up of the debtor company.

(3) Where at the time of adjudication by the Industrial Disputes Tribunal proceedings have already commenced in accordance with the Bankruptcy Ordinance or Part V of the Companies Ordinance in respect of the employer, the right of the employee relating to any payment adjudicated and paid directly by the employer shall be assigned to the Fund.

Cap.5 (Laws of Cyprus) and Ordinances 9/85 and 8/87.

Cap.113 (Laws of Cyprus) and Ordinances 11/68, 10/87, 9/90 and 7/95.

Offences and penalties.

**13. - (1) Any person who -**

- (a) wilfully obstructs an inspector in his execution of any power conferred on him under section 7;
- (b) without reasonable cause fails to comply with any notice given by the Authority under section 4, or while purporting to comply with such a notice makes a statement which he knows to be false in relation to any matter of substance, or who by reason of gross negligence makes a statement which is false in respect of any matter of substance,

shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both such penalties.

(2) Any person who contravenes or fails to comply with any other provision of this Ordinance shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding six months or to a fine not exceeding five hundred pounds or to both such penalties.

**14.** - (1) The provisions of section 13 shall not affect or limit the right of the Authority to institute an action before any competent court for the recovery of any benefits paid by way of grants or allowances or other means, by reason of a contravention, omission or a false statement as mentioned in section 13, or for damages or for any other remedy.

Rights of Authority unaffected by prosecution of an offender.

(2) The Authority may discontinue the provision of benefits to, or its co-operation with, any person who contravenes or omits to comply with any provision of this Ordinance, or impose any other administrative penalty it may deem appropriate.

**15.** Unless it is otherwise provided, all fines imposed by virtue of this Ordinance or the regulations made under it shall be paid to the Fund by the appropriate authority of the Administration.

Fines to be paid to the Fund.

**16.** - (1) The Administrator may, after consultation with the appropriate authorities of the Republic, make regulations providing for -

Regulations.

- (a) the organisation, implementation or operation of any industrial training, the form of such industrial training, and the determination and regulation of standards of industrial training;
- (b) the carrying out of examinations and the issue of certificates therefor and the payment of examination fees;
- (c) the fixing, imposition and collection of levies and the manner in which and the date or dates on which or the time during or within which the payment of the levy referred to in section 9 shall be made;
- (d) the fixing, imposition and collection of fees for any rendered service or otherwise;
- (e) the payment of grants to employers or employees.

(2) Regulations made under this section may have a retrospective effect.

**17.** The Industrial Training Authority (Republic of Cyprus) (Recognition) Ordinance and the Industrial Training Authority (Republic of Cyprus) (Recognition) (Amendment) Ordinance are hereby repealed.

Repeals.  
Ordinance 1/79.  
Ordinance 20/80.

14th November 2001  
(107/17)

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D.J. BONNER,  
Chief Officer.  
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**THE AKROTIRI COMMUNITY ORDINANCE 2001**

**ORDINANCE 23 OF 2001**

**ARRANGEMENT OF SECTIONS**

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9. Voting right.
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14. Appointment of Returning Officer.
15. Writ of election.
16. Nomination of candidates.
17. Proceedings on nomination of candidates.
18. Objection to nomination papers.
19. Method of nomination.
20. Withdrawal of candidate.
21. Death of candidate.
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24. Adjournment of election for holding a poll.
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32. Poll by ballot and ballot papers.
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