



S U P P L E M E N T No. 2  
TO  
THE SOVEREIGN BASE AREAS GAZETTE  
No. 1251 of 9th July 2002  
L E G I S L A T I O N

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ORDINANCE 17 OF 2002

**AN ORDINANCE  
TO PROVIDE FOR THE PROTECTION OF ANIMALS  
USED FOR EXPERIMENTAL AND  
OTHER SCIENTIFIC PURPOSES**

**T.W. RIMMER**  
ADMINISTRATOR

1st July 2002.

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 Protection of Animals Used for Experimental Purposes Ordinance 2002.

Short title.

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

Interpretation.

“Advisory Committee” means the Advisory Committee on Experiments established under section 20 of the corresponding Republican law;

“anaesthetic” means any substance causing loss of sensation, including the sensation of pain;

“corresponding Republican law” means Republican Law No. 30(I)/95 as amended by Republican Law No.115(I)/2000 and as it may be further amended or substituted; and includes any subordinate legislation made under Republican Law No. 30(I)/95 as amended or substituted;

“inspector” means an inspector appointed under section 19.

“protected animal” has the meaning given to this term by section 3;

“regulations” means regulations made under this Ordinance;

“species of animal threatened with extinction” means any species which is included in Schedule I or II to the Convention on the International Trade of Threatened Species of Wild Fauna and Flora;

“veterinarian” means a person who, by virtue of the Veterinary Surgeons Ordinance 1964 is entitled to practise veterinary surgery in the Areas.

Ordinance 21/64.

## Protected animals.

**3. –(1)** Subject to the provisions of this section, for the purposes of this Ordinance-

“protected animal” means any species of live non-human vertebrate.

(2) Any such vertebrate in its embryonic or larval form shall be a protected animal only from the stage of its growth when-

- (a) in the case of a mammal, bird or reptile, half of the gestation or incubation period of the species to which it belongs has elapsed in relation to it; and
- (b) in any other case, it is capable of feeding independently.

(3) For the purposes of this section, an animal shall be considered as continuing to be alive until the permanent termination of its blood circulation or the destruction of its brain.

## Controlled experiments.

**4. – (1)** Subject to the provisions of this section, “controlled experiment” for the purposes of this Ordinance means any experimental or other scientific procedure applied to or on a protected animal which may cause the animal pain, suffering, fear, distress, or lasting harm:

Provided that any surgery or other operation carried out in the course of a controlled experiment shall be carried out by a veterinarian.

(2) Any person proposing any action or series of actions which may result in the birth or the hatching of a protected animal shall also include with his proposal a recommended controlled experiment if such birth or hatching may result in any of the conditions referred to in subsection (1).

(3) In determining whether any procedure may cause the result referred to in subsection (1) above, the use of anaesthesia or analgesia, the removal of the brain and any other procedure of anaesthetisation of an animal shall be disregarded; further the giving of any anaesthetic to a protected animal, or the removal of the brain or any other similar procedure applied to a protected animal, for the purposes of an experimental or other scientific procedure shall of itself require the inclusion of a recommended controlled experiment.

(4) The marking of an animal by means of rings or earrings or the labelling of such animal, or the application of any humane procedure for the exclusive purpose of identification of the animal shall not require a controlled experiment provided that only momentary pain or suffering and no permanent damage is caused.

(5) An operation or the giving of a substance to an animal by a veterinarian and which is aimed at helping in the veterinary diagnosis of the condition of, and therapy for, the animal and any other action or test which concerns animals or corpses of animals and is related to veterinary science and the exercise of veterinary practice shall not require a controlled experiment.

(6) The killing of a protected animal shall require a recommended controlled experiment if -

- (a) the animal is killed for purposes of experimental or other scientific use;
- (b) the place where the animal is killed is registered as premises; and

- (c) the method of killing used does not belong to any of the suitable methods of killing for the specific animal referred to in Schedule 1.

Schedule 1.

(7) In this section the expression "scientific procedure" shall not include any recognised veterinary, agricultural, or farming practice.

5. A person shall not perform a controlled experiment of any description on a protected animal unless –

- (a) he is the holder of a personal licence which authorises him to perform a controlled experiment of that description;
- (b) he performs the experiment in accordance with a work programme licence which authorises the performance of a controlled experiment of that description as part of the licensed work programme;
- (c) he performs the experiment at such place as is authorised under his personal licence and the relevant work programme licence.

Prohibition on performing experiments without a personal licence and a work programme licence.

6. –(1) A personal licence shall be granted by the Chief Officer and shall give the holder the right to perform a controlled experiment of a description specified in the licence on an animal of a description so specified and at a place so specified.

Personal licences.

(2) An application for a personal licence shall be submitted to the Chief Officer on such form as may be prescribed by regulations and shall be accompanied by such other documents and information as may be so prescribed or as the Chief Officer may otherwise reasonably require.

(3) Save as the Chief Officer may otherwise allow, an application for a personal licence shall be countersigned by a person who –

- (a) is himself the holder of a personal licence or who is deemed to be the holder of such a licence under section 26(2);
- (b) has knowledge of the applicant's knowledge of the biological sciences or of any other relevant qualifications of the applicant and of the applicant's experience and character. Wherever possible, the countersignor shall be a person who holds a responsible position at the place where the applicant would, if granted a personal licence, perform any experiment in accordance with his personal licence.

(4) No person under the age of 18 years may be granted a personal licence.

(5) A personal licence shall remain valid unless and until it is revoked. The Chief Officer shall carry out a re-examination of a personal licence at intervals not exceeding five years and may, for the purpose of carrying out any such re-examination, require the licence holder to furnish such particulars and information as the Chief Officer may reasonably consider to be necessary.

7. –(1) A work programme licence shall be granted by the Chief Officer and shall describe the authorised work programme and the experiments which are authorised to be performed on animals of a specified description, and specify the place where such experiments may be carried out.

Work programme licences.

(2) Such a licence may only be granted to a person who assumes the general responsibility for the programme described in the application for a work programme licence.

(3) A work programme licence shall not be granted for any programme unless the Chief Officer is satisfied that the programme is being carried out for one or more of the following purposes –

- (a) the prevention (either after the testing of any product or otherwise) or the diagnosis or treatment of any disease, illness, or abnormality or of their consequences on man, animals or plants;
- (b) the assessment, detection, regulation or modification of physiological conditions in man, animals or plants;
- (c) the protection of the natural environment in the interest of the health or welfare of man or animals;
- (d) the promotion of knowledge in biology and physiological behaviour;
- (e) education or training in any educational establishment, excluding schools of elementary or secondary education;
- (f) forensic research;
- (g) the feeding of animals for experimental or other scientific purposes.

(4) In determining whether, and if so, under what conditions, he should grant a work programme licence, the Chief Officer shall weigh up the possible adverse effects on certain animals against the benefits which might arise as a result of the proposed work programme.

(5) The Chief Officer shall not grant a licence in respect of a work programme unless he is satisfied that the applicant has adequately examined the possibility of accomplishing the purpose of the programme, (which should be described in any licence) by other means which do not entail the use of animals.

(6) The Chief Officer shall not grant a licence in respect of a work programme which authorises the use of cats, dogs, pithecioids or equidae or of any species of animal threatened with extinction unless he is satisfied that no animal of any other species is suitable for the purposes of the programme described in the licence or that the obtaining of animals of any other species is not practically possible for such purposes:

Provided that under no circumstances shall a work programme licence be granted for the use of any of the aforementioned animals for the purposes of the testing of cosmetics or other similar products.

(7) Unless revoked, and subject to subsection (8) below, a work programme licence shall remain valid for the period stated in the licence and may be renewed for further periods but, without prejudice to the granting of a new licence in respect of the work programme, no such licence shall be valid for a period of more than five years in aggregate.

(8) A work programme licence shall terminate on the death of its holder, but if -

- (a) the holder of a certificate under section 8 with respect to a place specified in the work programme licence; or
- (b) where, in accordance with section 8(2) the licence does not specify a place in respect of which such a certificate has been issued, the holder of a personal licence who is engaged in the prescribed programme,

notifies the Chief Officer of the death of the holder of the work programme licence within seven days after the death came to his knowledge, the work programme licence shall, unless the Chief Officer otherwise orders, remain valid until the expiration of the period of twenty-eight days commencing on the day of the notification.

**8. –(1)** Subject to subsection (2) below, no place shall be specified in a work programme licence unless it is a place registered under a certificate issued by the Chief Officer under this section as premises for the carrying out of scientific experiments.

Premises for carrying out scientific experiments.

(2) Subsection (1) above shall not apply in any case where the Chief Officer considers that the programme or the procedures authorised by the work programme licence require him to specify some place other than premises for the carrying out of scientific experiments.

(3) An application for the issuing of a certificate to register a place as premises for the carrying out of scientific experiments shall be submitted to the Chief Officer on such form as may be prescribed by regulations and shall be accompanied by such documents and information as may be so prescribed or as the Chief Officer may otherwise reasonably require.

(4) A certificate shall not be issued under this section –

- (a) otherwise than to a person holding a responsible position at the premises in question; and
- (b) unless the application includes the names of persons who appear to the Chief Officer to be suitable for the purposes described in paragraphs (a) and (b) of subsection (5) below.

(5) A certificate under this section shall specify –

- (a) a person who is responsible for the daily care of the protected animals maintained in the premises for experimental or other scientific purposes; and
- (b) a veterinarian to provide advice in relation to the health and well-being of the animals:

Provided that if the Chief Officer deems it appropriate, the same person may be specified under both paragraph (a) and paragraph (b) of this subsection.

(6) A certificate under this section shall remain valid until it is revoked.

**9. –(1)** A person shall not breed in any place used for the carrying out of controlled experiments any protected animal of a description falling within Schedule 2, unless such place is registered as breeding premises under a certificate issued by the Chief Officer under this section.

Breeding and supplying premises.  
Schedule 2.

(2) A person shall not keep in any place any protected animal falling within Schedule 2 which has not been bred at that place but

is to be supplied for use elsewhere in a controlled experiment, unless such place is registered as supplying premises under a certificate issued by the Chief Officer under this section.

(3) An application for the issuing of a certificate for breeding or supplying premises shall be submitted to the Chief Officer on such form as may be prescribed by regulations and shall be accompanied by such particulars or information as may be so prescribed or as the Chief Officer may otherwise reasonably require.

(4) A certificate shall not be issued under this section unless the application includes the names of persons who appear to the Chief Officer to be suitable for the purposes described in paragraphs (a) and (b) of subsection (5) below.

(5) A certificate under this section shall specify –

- (a) a person who is responsible for the daily care of the protected animals bred or maintained for breeding at the premises, or as the case may be, which are maintained there for the purpose of being supplied for use in controlled experiments; and
- (b) a veterinarian to provide advice in relation to the health and well-being of the animals:

Provided that if the Chief Officer deems it appropriate, the same person may be specified under both paragraph (a) and paragraph (b) of this subsection.

(6) A certificate under this section shall remain valid until it is revoked.

**10.** Before granting a licence or issuing a certificate under this Ordinance, the Chief Officer shall consult an inspector appointed under section 19(1) and in addition, he may, if he considers it necessary, seek the opinion of the Advisory Committee.

**11.** - (1) Subject to the provisions of this section, a licence or certificate under this Ordinance shall be granted or as the case may require, issued, subject to such conditions as the Chief Officer thinks appropriate.

(2) The conditions for a personal licence shall include –

- (a) a condition that the licence holder shall take measures for the avoidance or the reduction to the minimum degree, which is consistent with the purposes of the authorised experiments, of pain, suffering, or distress of the animals on which such experiments may be performed;
- (b) a condition that at the end of an experiment on a protected animal it will be killed immediately by one of the methods of euthanasia described in Schedule 1 as being appropriate in relation to such animal or by such other method as may be specified by the licence; and
- (c) a condition that where there is a choice between two or more experimental methods under any programme, the method chosen will be that which requires the least number of animals with the lowest index of neuro-physiological sensitivity and which causes the least pain, suffering, or distress and which is more likely to give the required results.

Chief Officer to  
consult an  
inspector.

Conditions  
attaching to  
licences and  
certificates.

(3) The conditions for a work programme licence shall, unless the Chief Officer considers that an exception is justified, include the conditions that –

- (a) no cat or dog shall be used under the licence unless such cat or dog has been bred in registered breeding premises and has been taken from such premises; and
- (b) no other protected animal of a description falling within Schedule 2 shall be used under the licence, unless such animal has been bred in registered breeding premises or been taken from registered supplying premises;

but no exception from the condition imposed by paragraph (a) above may be made unless the Chief Officer is satisfied that no other suitable animal may be obtained for the purpose of the work programme specified in the licence.

(4) If a condition of a personal licence allows the licence holder to use assistants for the execution, under his directions, of the duties not requiring technical knowledge, no action of an assistant done in accordance with such condition shall constitute a contravention of section 5.

(5) The conditions of a certificate issued under section 8 shall include a condition which prohibits the killing of a protected animal which is maintained in premises for the carrying out of scientific experiments but which is not used in any experiment or the killing of which is not required under section 16, by any method other than one of the methods of euthanasia described in Schedule 1 as being appropriate in relation to such an animal, or by such other method as may be approved by the Chief Officer. A certificate granted under section 9 shall likewise include a condition which prohibits the killing by any method other than one described above, of an animal of a description falling within Schedule 2 which is bred or maintained for breeding purposes, or as the case may be, is maintained in the premises for use, or in order to be supplied for use, in a controlled experiment but which in the event is not so used or supplied.

(6) A certificate under section 8 or 9 shall include the following conditions to be imposed on the holder of the certificate –

- (a) to secure the services of a person capable of killing animals in a manner which meets the conditions imposed under subsection (5) above; and
- (b) to keep books for the recording of facts with regard to the origin, use and destruction of animals maintained in premises for experimental or other purposes or, as the case may be, fed or maintained in such premises to be used in controlled experiments.

(7) A contravention of one of the conditions of a licence or certificate shall not in itself invalidate a licence or certificate, but shall constitute reasonable cause for the licence or certificate to be amended or revoked.

**12.** A licence or certificate may be amended or revoked under this section by the Chief Officer –

- (a) for the cause referred to in section 11(7);

- (b) in any other case where the Chief Officer considers there is reasonable cause; or
- (c) at the request of the holder.

**13. – (1)** Where the Chief Officer intends to -

- (a) refuse the granting of a licence or certificate under this Ordinance; or
- (b) amend or revoke such a licence or certificate otherwise than following a request of the holder,

he shall serve the applicant or the holder with a notice of his intention so to act.

(2) Such a notice shall state the reasons for the Chief Officer's intended course of action and shall include information as to the rights given to the person concerned under subsection (3) below.

(3) A person on whom a notice has been served under subsection (1) above has the right to make representations to the Advisory Committee if, within 15 days from the date of the serving of the notice on him, he notifies the Chief Officer of his wish to exercise that right.

(4) The holder of a licence or certificate who is not satisfied with any condition contained in such licence or certificate shall have the right, if he notifies such wish to the Chief Officer, to make oral representations to the Advisory Committee; but the submission of such representations shall not affect the application of any condition unless and until such condition is amended under section 12.

(5) On his receiving a report from the Advisory Committee in relation to any representations made to it under this section, the Chief Officer shall send a copy of the report to the person who had made the representations and shall take into account the contents of the report in determining whether or not to grant, amend or revoke the licence or certificate in question, as the case may require.

(6) A notice under subsection (1) may be served either personally or by post.

**14. – (1)** If, for the well-being of any protected animals, the Chief Officer considers it necessary so to act, he may suspend the validity of any licence or certificate for a period not exceeding three months, such suspension taking effect immediately on the giving of notice to that effect to the holder of the licence or certificate.

(2) If during such period a notice of the intention to amend or revoke the licence or the certificate in question is served under section 13 but on the expiration of such period -

- (a) the time limit provided for in section 13(3) for a notification to be given to the Chief Officer has not expired; or
- (b) representations have been made or are to be made in accordance with that subsection; or
- (c) such representations have been made but the Chief Officer has not received or has not completed his consideration of the report of the Advisory Committee in relation to those representations,

he may, by notice served on the holder, further suspend the licence or the certificate until such time as he is able to determine whether or not to amend or revoke such licence or certificate, but no such further suspension may exceed the period of three months on any one occasion.

(3) A notice under this section may be served in person or by post.

**15. – (1) Where a protected animal-**

- (a) has been subjected to a series of controlled experiments for a specific purpose; and
- (b) it has been given anaesthetic for any such experiments and allowed to regain consciousness,

Limitations on  
using an animal in  
more than one  
experiment.

it shall be prohibited to use the animal for any further controlled experiments.

(2) Subsection (1) does not preclude the use of an animal with the approval of the Chief Officer providing that-

- (a) the procedure, or each procedure for which the anaesthetic was given comprises a simple surgical operation which is necessary for a subsequent experiment; or
- (b) the anaesthetic was used exclusively for the immobilisation of the animal; or
- (c) the animal is under the influence of a general anaesthetic during all the subsequent experimental procedures and is not allowed to regain consciousness.

**(3) Where a protected animal-**

- (a) has been subjected to a series of controlled experiments for a specific purpose; but
- (b) it was not given a general anaesthetic for any of those experiments,

it shall be prohibited to use that animal for any subsequent controlled experiments otherwise than with the approval of the Chief Officer.

(4) Any approval for the purposes of this section may relate to a specific animal or animals used in specified experiments or under specified conditions.

**16. – (1) Where a protected animal -**

- (a) has been submitted to a series of controlled experiments for a specific purpose; and
- (b) during the course of the series of experiments, the animal suffers or might undergo pain, suffering, fear, distress or lasting harm,

Killing of the  
animal after the  
completion of a  
controlled  
experiment.

the person who performed the experiments, or the last of such persons shall arrange for the immediate killing of the animal by a method which is appropriate for the animal concerned in accordance with Schedule 1 or by such other method as may be authorised under the personal licence of the person killing the animal.

(2) Subsection (1) above does not affect any condition under a work programme licence which requires the killing of an animal after the completion of a controlled experiment under preconditions which differ from those referred to in that subsection.

Prohibition on  
public exhibitions  
of controlled  
experiments.

Use of substances  
for myoeneural  
exclusion.

Inspectors.

Offences –  
general.

**17.** – (1) A person shall not perform any controlled experiment by way of an exhibition to the public or perform any such experiment which is broadcast live from any television station broadcasting for general reception by the public.

(2) A person shall not make any announcement or publish any advertisement announcing or advertising the performance of any controlled experiment which is to be carried out contrary to subsection (1) above.

**18.** A person shall not, in performing any controlled experiment –

(a) use any substance for myoeneural exclusion, unless such use is expressly authorised under the personal licence and the work programme licence under which the experiment is being performed; or

(b) use any such substance in the place of an anaesthetic.

**19.** – (1) The Chief Officer may appoint inspectors for the purposes of this Ordinance and of any regulations.

(2) An inspector shall –

(a) give advice to the Chief Officer in relation to any application for a personal licence or work programme licence, or any request for an amendment to or the revocation of any such licences, and in relation to the periodic reviews of such licences;

(b) give advice to the Chief Officer on an application for the issuing of any certificate under this Ordinance and on any request for an amendment to or the revocation of any such certificate;

(c) visit any premises where controlled experiments are performed for the purpose of establishing whether such experiments are authorised under the required licences and whether the conditions of such licences are being observed;

(d) visit any premises for the purpose of establishing whether the conditions attaching to any certificates relating to such premises are being observed;

(e) report to the Chief Officer any case in which any provision of this Ordinance or the regulations, or any condition of a licence granted or a certificate issued under this Ordinance has been contravened, or is being contravened, and to advise him on the action to be taken in relation to any such case.

(3) If an inspector considers that a protected animal is undergoing great suffering he may require the immediate killing of the animal by a method appropriate to the animal under Schedule 1 or by such other method as might be authorised under the personal licence of the person of whom such requirement is made.

**20.** – (1) A person who contravenes the provisions of section 5 shall be guilty of an offence and on conviction shall be liable to imprisonment for a period not exceeding two years or to a fine not exceeding two thousand pounds or to both such penalties.

(2) A holder of a licence who –

- (a) knowingly causes or permits a person who is under his control to perform a controlled experiment which is not part of the programme authorised by the work programme licence; or
- (b) knowingly causes or permits a person who is under his control to perform a controlled experiment which does not comply with the personal licence of such person,

shall be guilty of an offence and on conviction shall be liable to the penalties provided for in subsection (1) above.

**(3) A person who –**

- (a) contravenes the provisions of subsection (1) or (2) of section 9 or the provisions of section 15,16,17 or 18; or
- (b) fails to comply with any requirement made under subsection (3) of section 19,

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

**(4) A person shall not be guilty of an offence under section 5 or 18(a) by reason only that he acted contrary to the authority given by a work programme licence, if he proves that he reasonably believed, after making prudent enquiries, that he had the authority under that licence to act in the way that he did.**

**21. – (1)** A person shall be guilty of an offence if, for the purpose of obtaining or of assisting another person to obtain a licence or a certificate under this Ordinance he supplies information which he knows is false or misleading in a material respect, or recklessly or negligently supplies information which is false or misleading in a material respect.

Offences – giving false information.

**(2)** A person who is guilty of an offence under this section shall be liable on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding five hundred pounds or to both such penalties.

**22. – (1)** A person shall be guilty of an offence if, for any reason other than the execution of his duties under this Ordinance, he discloses any information he had obtained in the execution of such duties and which he knows or has reasonable cause to believe was given to him in confidence.

Offences – unlawful disclosure of confidential information.

**(2)** A person who is guilty of an offence under this section shall be liable, on conviction, to imprisonment for a period not exceeding twelve months or to a fine not exceeding one thousand pounds.

**23. – (1)** An inspector has the power, at any reasonable time and after showing the certificate of his capacity, to enter –

- (a) any place where controlled experiments are performed for the purposes of establishing whether such experiments are authorised by the required licences and whether the conditions of such licences are being observed;
- (b) any registered premises for the purposes of establishing whether the conditions of the certificates concerning such premises are being observed; or

Inspector's powers of entry and offences for obstructing an inspector.

- (c) any other place, other than a dwelling, in relation to which there is a reasonable suspicion that it is being used for the performance of controlled experiments or for the breeding, maintenance or supply of protected animals for purposes of scientific or other experiments in contravention of the provisions of this Ordinance or the regulations.
- (2) An inspector who enters any place in accordance with the provisions of subsection (1) above and who reasonably believes that at such place an offence was committed under this Ordinance, shall have the power to take away any evidence which he believes will be needed in relation to any criminal proceedings for such offence.

(3) A person who –

- (a) intentionally obstructs an inspector in the execution of his duties under this section; or
- (b) on being asked, refuses to give his name and address or gives a false name or address,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months or to a fine not exceeding three hundred pounds or to both such penalties.

Regulations.

**24.** – (1) The Administrator may make regulations in respect of any matter which under this Ordinance requires to be or may be prescribed and more generally for the more effective application of this Ordinance.

(2) In particular and without prejudice to the generality of subsection (1) above such regulations may provide for all or any of the following matters –

- (a) the form of application for the granting of any licence or certificate under this Ordinance, the fees payable for the granting of such licences or certificates, as well as the qualifications required of applicants or the specifications and conditions which need to be satisfied in relation to any place or premises in order for a licence or certificate to be granted;
- (b) the control and the method of supply, breeding, moving, maintenance, veterinary supervision and care of protected animals, during and after their use in controlled experiments;
- (c) the conditions and prerequisites which must be fulfilled during the performance of controlled experiments;
- (d) the keeping of data by the holders of licences and certificates in respect of the number and species of animals used in controlled experiments, or as the case may be, which are maintained or supplied for such purposes as well as data on all the experimental works performed and for the preparation and submission of relevant statistical data to the Chief Officer.

**25.** The Protection and Welfare of Animals Ordinance 2001 shall not apply in relation to the performance of any controlled experiment authorised under this Ordinance.

**26.** – (1) Without prejudice to subsections (2) and (3) below, the Animals (Control of Experiments) Ordinance 1959 is repealed.

Repeal and savings.

(2) Any licence which immediately before the coming into force of section 5 was in force under the Animals (Control of Experiments) Ordinance 1959 ("the 1959 Ordinance") shall be treated for the purposes of this Ordinance as if it were a personal licence and shall remain valid until the date it would have expired under the 1959 Ordinance.

(3) Notwithstanding the provisions of this Ordinance, any experiment or series of experiments which were lawfully in progress under the 1959 Ordinance immediately before the coming into force of section 5 of this Ordinance may be continued and completed in accordance with the provisions of the 1959 Ordinance.

**27.** The Chief Officer may, after taking account of any opinion of the Advisory Committee, amend Schedule 1 or Schedule 2 by an order published in the Gazette.

Amendment of Schedules.

**28.** This Ordinance shall come into force on such day as the Administrator shall appoint by notice published in the Gazette.

Commencement.

## SCHEDULE 1

(Sections 4(6)(c), 11(2)(b), 16 (1), and 19(3))

## MODEL METHODS OF EUTHANASIA

**METHOD OF EUTHANASIA****ANIMALS TO WHICH  
METHOD OF EUTHANASIA  
APPLIES****A. Animals excluding embryonic  
and larval forms:**

1. Anaesthetic overdose suitable for the species:
    - (i) by injection
    - (ii) by inhalation
    - (iii) by immersion (followed by the destruction of the brain in pikilotherm vertebrates and with bleeding or breaking of the nape in the homiotherma unless rigor mortis has set in).
  2. Breaking of the nape (followed by the destruction of the brain in pisces).
  3. Concussion after a hit on the back of the head (followed by bleeding or breaking of the nape in rodents and destruction of the brain in pisces).
  4. Beheading followed by destruction of the brain.
  5. Exposure to an atmosphere of concentration of carbon dioxide using a suitable technique followed by bleeding or breaking of the nape unless rigor mortis has set in.
- (i) All animals
- (ii) All animals up to 1 Kg of liveweight excluding reptiles, diving birds and diving mammalia.
- (iii) Pisces  
Amphibians up to 250 g of liveweight
- Rodents up to 500 g of liveweight; except guinea-pigs.  
Guinea-pigs and lagomorpha up to 1 kg of liveweight.  
Birds up to 3 Kg of liveweight  
Pisces up to 250 g of liveweight
- Rodents up to 1kg of liveweight.  
Birds up to 50 g of liveweight.  
Pisces.
- Pikilotherm vertebrates.
- Rodents older than ten days and up to 1 ½ kg of liveweight.  
Birds older than one week and up to 3 kg of liveweight.

**B. Embryonic and larval forms:**

1. Overdose of anaesthetic appropriate for the species:

- (i) by injection
  - (ii) by immersion
- (i) All animals
- (ii) Pisces  
Amphibians  
Mammalia

2. Beheading

## SCHEDULE 2

(Sections 9(1), 9(2), 11(3)(b) and 11(5))

**PROTECTED ANIMALS WHICH MAY ONLY BE BRED IN OR  
SUPPLIED FROM REGISTERED PREMISES IN ORDER TO BE USED  
IN EXPERIMENTS.**

Mouse (*Mus musculus*)

Rat (*Rattus norvegiens*)

Guinea-pig (*Cavia porcellus*)

Hamster (*Mesocricetus Auratus*)

Rabbit (*Oryctolagus cuniculus*)

Dog (*Canis familiaris*)

Cat (*Felis catus*)

Quail (*Coturnix coturni*)

Pithecoids (*Primate*)

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*1st July 2002*

(195/3)

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D.J. BONNER,

Chief Officer.

## **DISABLED PERSONS ORDINANCE 2002**

### **ARRANGEMENT OF SECTIONS**

#### **PART I – General Provisions**

##### **Section**

1. Short title.
2. Interpretation.
3. Principle of non-discrimination.

#### **PART II**

##### **Rights of Disabled Persons**

4. General rights of disabled persons.
5. Equal treatment regarding employment.
6. Equal treatment regarding the provision of goods, services and facilities.
7. Movement and transport of disabled persons.
8. Principle of reasonable measures.

#### **PART III**

##### **Miscellaneous Provisions**

9. Establishment of the Day for People with Special Needs.
10. Licence for collections or events to assist disabled persons.
11. Codes of practice.
12. Regulations.
13. Commencement.

ORDINANCE 18 OF 2002

**AN ORDINANCE**

**TO PROVIDE FOR THE NEEDS OF DISABLED PERSONS, TO PREVENT DISCRIMINATION IN EMPLOYMENT, AND FOR THE PROVISION OF GOODS, SERVICES AND FACILITIES**

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

8th July 2002.

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

**PART I**  
**General Provisions**

**1.** This Ordinance may be cited as the Disabled Persons Ordinance 2002.

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

“disability”, in relation to a person, means any form of physical or mental impairment which has, either permanently or for an indefinite period a substantial adverse effect on his ability to carry out normal day-to-day activities;

“disabled person” means a person who has a disability.

**3. - (1)** No person shall, with respect to any matter to which this Ordinance applies, discriminate against another person by reason of the disability of that other person:

Provided that reasonable measures, which are necessary for the effective enjoyment of the rights referred to in section 4 and which are based on the principle of equal opportunities for employed persons, including disabled persons, shall not be regarded as discrimination.

(2) For the purposes of subsection (1) above, a person discriminates against another person -

- (a) if he treats that other person less favourably than he treats or would treat a person who is not disabled, in the same or in a similar situation;
- (b) on the basis of characteristics or alleged or presumed characteristics which generally describe persons with the disability which that other person has;
- (c) on the grounds that that other person does not satisfy or is incapable of satisfying a requirement, the nature of which is such that a large proportion of people who are not disabled would be more capable of satisfying and where the existence of such a requirement is not justified in the circumstances of the case; or
- (d) contrary to any provision contained in a code of practice issued under this Ordinance.

## PART II

### Rights of Disabled Persons

**4. - (1)** Any disabled person shall have the right to an independent living, full integration in the community and equal participation in the economic and social life of the Areas.

**(2)** Without prejudice to the generality of subsection (1) above, a disabled person shall have the following rights –

- (a) early detection and diagnosis of his disability; intervention and prevention of further consequences thereof; provision of medical and pharmaceutical care; restoration of his physical functions including the provision and training for the use of orthoses and prosthetic limbs, as well as psychological and other support for him and his family;
- (b) personal support with assistive devices, with other means and services which assist him on a daily basis to live and work, with an interpreter or companion, as well as other necessary support, where necessary;
- (c) access to housing, buildings, streets and generally to the physical environment and to public and other means of transport;
- (d) access to integrated education according to his needs;
- (e) access to information and communication with the use of special means, where necessary, especially for the particular group of people with his sensory impairment;
- (f) services of economic and social integration, professional assessment and orientation, professional training and employment in the open labour market;
- (g) respectable living standard and, where necessary, financial support and social services;
- (h) creation of personal and family life;
- (i) participation in cultural, social, sports, religious and recreational activities.

General rights of disabled persons.

Equal treatment  
regarding  
employment.

**5. - (1)** A disabled person shall be entitled to equal treatment by his employer with other persons employed by the employer as regards the procedure for application for work, recruitment, promotion, dismissal, compensation, training and other conditions and privileges relating to employment.

(2) Without prejudice to the generality of the provisions of section 3, "equal treatment" in this section shall include –

- (a) the creation of employment opportunities with –
  - (i) the introduction of employment schemes for disabled persons by providing prescribed incentives to employers, appropriate to the number of persons employed or the turnover of a specific enterprise;
  - (ii) the creation of places of work in the government, semi-public and the broader public sector exclusively for disabled persons;
- (b) to the extent possible, vocational rehabilitation of a disabled person in the same place of work where his disability was sustained at work;
- (c) the special protection of disabled persons at dismissals;
- (d) the requirement to provide reasonable access and facilities at the place of work for disabled persons, including –
  - (i) necessary alterations or adjustments to access to existing facilities so as to make them more easily accessible to disabled persons;
  - (ii) the adaptation of work by creating work schedules for part-time or differentiated employment, by acquiring new or modifying existing equipment, machinery, devices, instruments, and other facilities and services;
- (e) the application of special schemes of employment in the government and private sectors by providing financial incentives.

(3) This section shall not apply in relation to service in the naval, military or air forces of the Crown in right of Her Majesty's Government in the United Kingdom or in relation to service as a member of the Defence Fire Service, the Sovereign Base Areas Police Force or the Security Force Police.

**6. - (1)** A disabled person shall be entitled to equal treatment to that given to persons who are not disabled as regards the provision of goods, services and facilities. It shall be discrimination to treat a disabled person less favourably than any other person where the treatment –

- (a) does not apply to persons who are not disabled; and
- (b) is not justified.

(2) For the purposes of this section the following shall not constitute equal treatment of disabled persons –

- (a) the refusal to provide services;
- (b) the provision of services at a lower standard than that at which the services are provided to other persons;

Equal treatment  
regarding the  
provision of  
goods, services  
and facilities.

- (c) the provision of goods and services on less favourable terms than the terms on which the goods and services are provided to other persons;
- (d) the failure to carry out alterations to services or facilities so that it is impossible or unreasonably difficult for a disabled person to make use of such services or facilities. Such alterations may concern –
  - (i) the creation of appropriate means of access and facilities for the convenient and secure use of such services and facilities by disabled persons;
  - (ii) the use of special means, instruments or persons for contact and information for certain groups of disabled persons;
  - (iii) the use of appropriate means, instruments and facilities in places where special services are provided such as schools, hospitals, clinics and other similar places.

**7. - (1)** Means of public transport shall be appropriately adapted for access and to provide secure transport for disabled persons, including persons in wheelchairs.

Movement and transport of disabled persons.

**(2)** The means of applying this section shall be prescribed by regulations.

**8. - (1)** The principles referred to in sections 4 to 7 shall be applied through reasonable measures being taken and to the extent that financial and other conditions permit.

Principle of reasonable measures.

**(2)** For the purposes of this section “reasonable measures” means the measures provided for in any Ordinances or regulations made thereunder and which shall be taken by way of application of the above principles, having regard to factors which affect the application of reasonable measures, including the following –

- (a) the nature of the measures and the expenditure required for their application;
- (b) the financial resources of the person who has the duty to take such measures;
- (c) the financial standing and other obligations of the Administration, where the duty for the application of measures concerns the public sector;
- (d) any subsidies offered by the public sector or other sources as a contribution to the total cost of such measures;
- (e) the socio-economic condition of disabled persons.

**(3)** Any person who without reasonable cause acts or fails to act in a manner which amounts to discrimination against a disabled person shall be guilty of an offence punishable with a fine not exceeding three thousand pounds.

For the purposes of this section “reasonable cause” includes cases where reasonable measures cannot be taken, or where such measures have not been taken due to any of the factors referred to in subsection (2) above.

### PART III

#### Miscellaneous Provisions

**Establishment of the Day for People with Special Needs.**

**9.** The 3rd of December of each year is set as the Day for People with Special Needs.

**Licence for collections or events to assist disabled persons.**

**10.** Notwithstanding the provisions of any other Ordinance, collections by charities or events with the object of collecting money to assist disabled persons shall be carried out only under a licence issued by the Chief Officer.

**Codes of practice.**

**11.** - (1) The Chief Officer may issue codes of practice, for the purpose of offering practical guidance to the public as regards the rights of persons with disabilities and the duties of the public thereto and for the elimination of discrimination against disabled persons.

(2) Without prejudice to the generality of subsection (1) above, codes of practice may be issued in relation to the following –

- (a) the equipment, construction and modification of vehicles for public use;
- (b) the equipment, construction and modification of private places for the better provision of services there and the better use of the places by disabled persons;
- (c) the layout and equipment of places of work where disabled persons are employed;
- (d) the rights of disabled persons and the requirements of their employers at their places of work;
- (e) the rights of disabled persons in education, health and transport including parking privileges;
- (f) any other matter which the Chief Officer deems expedient to deal with in a code of practice.

(3) The codes of practice issued under this section shall not have binding effect but non-compliance with them may constitute evidence of discrimination.

(4) The Administrator may transform all or some of the codes of practice or parts thereof into regulations made under section 12.

(5) The codes of practice shall be published in the Gazette.

**12.** - (1) The Administrator may make regulations for the more effective application of this Ordinance and for any matter which this Ordinance provides may be prescribed.

(2) Without prejudice to the generality of subsection (1) above, regulations may provide for the following –

- (a) the measures to be taken for the application of Part II of this Ordinance;
- (b) transforming into regulations the whole or part of any code of practice issued under section 11;
- (c) the determination of degree of disability required for the application of this Ordinance or of some of its provisions to different categories of disability;

**Regulations.**

(d) for the imposition of the penalties of imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both such penalties for any breach of the regulations.

(3) Any regulations made under this Ordinance may make different provisions for different cases or classes of case and may contain such incidental, supplementary or transitional provisions as appear to the Administrator to be necessary or expedient for the purposes of this Ordinance or the regulations.

**13.** - (1) Except for section 5 this Ordinance shall come into force on the day of its publication in the Gazette. Commencement.

(2) Section 5 shall come into force on such day as the Administrator shall appoint by notice in the Gazette.

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*8th July 2002*

(205/6)

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D.J. BONNER,  
Chief Officer.

## ORDINANCE 19 OF 2002

### AN ORDINANCE TO AMEND THE FITTING AND WEARING OF SEAT BELTS ORDINANCE 1987

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

8th July 2002.

**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 Fitting and Wearing of Seat Belts (Amendment) Ordinance 2002. Short title.

2. The Fitting and Wearing of Seat Belts Ordinance 1987 (hereinafter referred to as "the principal Ordinance") shall be amended in accordance with sections 3 to 5 of this Ordinance. Amendments to  
Ordinance  
11/1987.

3. - (1) In section 2(1) of the principal Ordinance -

(a) for the definition of "front seat" there shall be substituted the following -

"front seat" means the seat occupied by the driver of a motor vehicle and any other seat alongside the driver's seat;";

(b) for the definition of "motor vehicle" there shall be substituted the following -

"motor vehicle" means any mechanically propelled vehicle used for the -

(a) carriage of passengers and having no more than 8 seats in addition to the driver's seat; or

(b) transport of passengers and having -

(i) more than 8 seats in addition to the driver's seat,

(ii) no places specially designed for standing passengers, and

(iii) a gross weight not exceeding 3,5 tonnes; or

(c) conveyance of goods and having a gross weight not exceeding 3,5 tonnes,

and which (in any of the cases mentioned in paragraphs (a), (b) and (c) above) is capable of attaining a speed exceeding 25 kilometres per hour;”;

- (c) immediately after the definition of “Republican Law” there shall be inserted the following –

“restraining system” means the system resulting from the combination of a seat which is fixed by appropriate means to the framework of a motor vehicle and a seat belt for that seat and which is secured to the framework of the motor vehicle at at least one point;

“seat” (except in the expression “seat belt”) means a construction (including its upholstery) which forms part of the framework of a motor vehicle, whether or not by way of embodiment in the framework, and which constitutes a place for a seated adult and includes part of a unified wider construction corresponding to a place for a seated person;”;

- (d) for the definition of “seat belt” there shall be substituted the following -

“seat belt” means a system of belts with securing buckle, including adjusting devices and fittings for securing the same which may be anchored in the motor vehicle, restricting the possibility of movement of the human body and includes any device for the absorption of energy and retracting of the belt;”.

(2) After section 2(2) of the principal Ordinance there shall be added the following new subsection, to be numbered subsection (3) –

“(3) For a motor vehicle falling within paragraph (b) or paragraph (c) in the definition of “motor vehicle” in subsection (1) above, this Ordinance applies only in relation to the front seat and accordingly any reference in this Ordinance or in any regulations made under this Ordinance to any seat in a motor vehicle shall be construed as a reference only to a seat in the motor vehicle to which this Ordinance applies.”.

**4. For sections 3 to 9 of the principal Ordinance there shall be substituted the following -**

Determination of standards for seat belts and restraining systems and control.

“3. - (1) The Chief Officer, by order published in the Gazette, shall specify the standards with which seat belts must be in conformity and the restraining systems to be used for the purposes of the application of this Ordinance, as well as the national and international organisations whose certification concerning the conformity of any seat belts or restraining systems with those standards will be acceptable in the Areas.

(2) The Chief Officer may make orders regulating matters concerning the fitting of seat belts and restraining systems in any motor vehicle and matters concerning their use. Such orders may make different provisions concerning different categories of motor vehicle, different persons or classes of persons and different circumstances and subject to

the provisions of section 7, may include such exemptions which, in the opinion of the Chief Officer, are expedient or necessary:

Provided that the use of a seat belt or restraining system approved by the appropriate authority of a member State of the European Union shall be deemed to fulfil the provisions of this Ordinance.

**Inspection of seat belts and restraining systems.**

4. The Registrar may, at any time, require the owner of any motor vehicle or the owners of any class of motor vehicles to present their motor vehicles for inspection to ascertain whether the seat belts and restraining systems fitted in such motor vehicles are securely fitted and are in conformity with one of the specified standards.

**Secure fitting of seat belts or restraining systems.**

5. - (1) A motor vehicle which is not registered in the Island of Cyprus on the 1st August 2002 shall not be registered in the Areas on or after that date, unless it is securely fitted with a seat belt or a restraining system for each seat in the motor vehicle:

Provided that, subject to the licence of the Registrar, the provisions of this subsection shall not apply to vehicles in which, in the opinion of the Registrar, the fitting of seat belts or restraining systems is either technically impossible or extremely difficult.

(2) Any motor vehicle which is already registered in the Island of Cyprus on the 1st August 2002 or which is registered, either before or after that date, in a country which is not a member State of the European Union and which is driven in the Areas shall, from a day appointed by the Chief Officer for this purpose by order published in the Gazette, be securely fitted with a seat belt or a restraining system for each seat in the motor vehicle:

Provided that, subject to the licence of the Registrar, the provisions of this subsection shall not apply to vehicles in which, in the opinion of the Registrar, the fitting of seat belts or restraining systems is either technically impossible or extremely difficult.

**Duty to use seat belts or restraining system.**

6. - (1) Any person driving a motor vehicle on a road or other public place and any person aged 12 years or over or of a height of 150 cm. or over, who is carried seated on any seat in a motor vehicle shall, wear a seat belt or be restrained by a restraining system.

(2) Any person below the age of 12 years or of a height below 150 cm. may be carried seated in any seat of a vehicle, other than the driver's seat, when such vehicle is moving on any road or public place, if he is fastened with a special seat belt or is restrained by a special restraining system which by

its construction, is intended for use by a person of such age or height and the type of such special seat belt or special restraining system is approved under the provisions of section 3(1):

Provided that the provisions of this section shall also apply to a person who is driving or is a passenger in a vehicle bearing the registration mark of a country which is not a member-state of the European Union.

**Exemptions.**

7. - (1) Any person to whom a certificate has been granted by a medical practitioner to the effect that for serious reasons the wearing of a seat belt or the use of a restraining system is not advisable either permanently or for a specific period of time, shall be exempted for the corresponding period of time from the obligations referred to in section 6, if he holds a relevant exemption certificate issued by the Registrar.

(2) Any medical certificate for an exemption for serious reasons of health issued by the competent authority of a member State of the European Union shall be deemed to fulfil the provisions of subsection (1).

**Schedule.**

(3) Every exemption certificate shall bear a special emblem as illustrated in the Schedule.

(4) Any person issued with an exemption certificate shall produce it whenever it is required of him by a member of the Police Force or by any other competent officer of the Areas.

(5) Any person who, when he is required so to do in accordance with subsection (4) above, refuses or fails to produce an exemption certificate immediately or within a time limit determined by the Police Officer or other competent officer of the Areas requiring production of the certificate, shall be deemed to contravene the provisions of section 6.

**Offences and penalties.**

8. - (1) The owner or any person in control of a motor vehicle who refuses or fails to comply with the provisions of section 5(2) shall be guilty of an offence and, on conviction, shall be liable to imprisonment not exceeding three months or to a fine not exceeding £500 or to both such penalties.

(2) Any person who contravenes section 6(1) shall be guilty of an offence and, on conviction, shall be liable to imprisonment not exceeding three months or to a fine not exceeding £500 or to both such penalties.

(3) Any person who drives a motor vehicle on a road or other public place and who permits or suffers the non-compliance with the provisions of section 6(2) by a person below the age of 12 years or of a height below 150cm, shall be guilty of an offence and, on conviction, shall be liable to imprisonment not exceeding six months or to a fine not exceeding £1,000 or to both such penalties.

Disqualification  
from holding or  
obtaining a  
driver's licence.

9. The Court may, in addition to any other penalty that it can impose under section 8, order that a person convicted of an offence under section 8(2) or (3) shall be disqualified from holding or obtaining a driver's licence for a period not exceeding three months from the date of such conviction.”.

5. After section 11 of the principal Ordinance there shall be added the following Schedule to the principal Ordinance -

Addition of  
Schedule to  
Ordinance  
11/1987.

“ SCHEDULE  
(Section 7(3))



”

6. This Ordinance shall come into force on 1 August 2002.

Commencement.

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*8th July 2002*  
(144/11)

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D.J. BONNER,  
Chief Officer.

