



S U P P L E M E N T No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1414 of 5th April 2006
L E G I S L A T I O N

ORDINANCE 5 OF 2006

AN ORDINANCE
TO AMEND AND CONSOLIDATE THE LAW RELATING
TO MOTOR VEHICLES AND ROAD TRAFFIC

P. T. C. Pearson CBE
ADMINISTRATOR

31st March 2006.

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 Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006. Short title.

2.—(1) In this Ordinance unless the context otherwise requires — Interpretation.

“dealer’s licence” means a licence issued to a dealer to deal in motor vehicles;

“driver” includes any person actually driving a motor vehicle at any given time and any person in charge of it for the purpose of driving whenever the same is stationary on any road and, in the case of a trailer, the driver of the vehicle by which the trailer is drawn;

“motor lorry” means a motor vehicle which is so constructed or adapted as to be capable of being used for the carriage or haulage of any load or of any kind of goods and includes a trailer so constructed or adapted; the expression “motor lorry” includes both light and heavy goods vehicles;

“motor vehicle” means any mechanically propelled vehicle or any trailer drawn by such vehicle, intended or adapted for use on roads and includes a vehicle propelled by electricity supplied from any place, a mechanically propelled tractor and any other motor vehicle propelled on caterpillar tracks notwithstanding that it is not intended or adapted for use on roads, but does not include vehicles constructed exclusively for use on rails or other specially prepared tracks;

“owner” means the person in whose name a motor vehicle is registered and, in relation to a motor vehicle which is the subject of a hiring or a hire purchase agreement, means the person in possession of the vehicle under the agreement;

“parking place” means a place where motor vehicles may wait, whether attended or not;

“passenger” means any person conveyed on any motor vehicle or on any trailer drawn by it, whether for hire or reward or not, but does not include the driver of the vehicle;

“public service motor vehicle” means a motor vehicle used for the conveyance of passengers, whether used also for the carriage of goods or not, for hire or reward whether under contract to any person or plying for hire generally;

“Republican Law” means the Motor Vehicles and Road Traffic Law of the Republic as amended or substituted from time to time, and includes any public instrument made under it;

“road” means any road, street, square, pathway, open place and space to which the public has access and includes any bridge, culvert, ditch, embankment, drain, causeway or supporting wall used in connection with a road;

“traffic” includes bicycles, tricycles, motor vehicles, vehicles of every description, pedestrians and all animals being ridden, driven or led;

“trailer” means any vehicle which has no independent motor power of its own and which is drawn by a motor vehicle but does not include the side-car of a motor cycle.

(2) For the purposes of this section, where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.

(3) For the purposes of this Ordinance—

- (a) where a motor vehicle is fitted with a crane, dynamo, welding plant or other special appliance or apparatus such item shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle;
- (b) there shall be an irrebuttable presumption that the public has access to any road as defined in this section (other than the curtilage of a dwelling house) which is owned or occupied by the Crown in right of Her Majesty’s Government in the United Kingdom (notwithstanding that such access is controlled, or restricted or from time to time withdrawn);
- (c) a motor vehicle, being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose and any other motor vehicle controlled by a pedestrian which is specified by Regulations made under the provisions of this Ordinance, shall be treated as not being a motor vehicle.

(4) For the purposes of subsection (3)(c) above, “controlled by a pedestrian” means that the vehicle either is constructed or adapted

for use only under such control or is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

3. The Administrator may make regulations for all or any of the following purposes—

Power to the
Administrator to
make Regulations.

- (a) to regulate the classification, registration and licensing of motor vehicles and trailers and the display, production, suspension, cancellation and surrender of licences;
- (b) to regulate the construction, dimensions, weights, designs, fittings, appliances and accessories of motor vehicles and trailers and to prescribe generally the conditions of their use;
- (c) to regulate the maximum speed of specific types or classes of vehicles, including the installation on any such vehicle of a prescribed device which when operated will prevent the vehicle exceeding a specified speed;
- (d) to establish a system for licensing garages for the purpose of installing and checking any device of the kind mentioned in subsection (c) above and for prescribing the necessary qualifications the staff of such garages shall hold;
- (e) to regulate the licensing of drivers and the production, endorsement, cancellation, suspension and surrender of licences to drive and to prescribe badges and uniforms to be worn by any specified drivers;
- (f) to regulate and control the conduct of drivers and to prescribe their duties;
- (g) to regulate and control the conduct of passengers and to prescribe their duties;
- (h) to regulate the inspection of motor vehicles and trailers and to prescribe the times, places and manner of such inspection and the fees to be paid in respect of such inspections and to prescribe the powers and duties of the persons entrusted with such inspection;
- (i) to regulate and control traffic (including regulation of school crossings and pedestrian crossings and the precedence of vehicles and foot passengers) and without prejudice to the generality of such regulation and control to prohibit or restrict traffic, regulate its direction and the manner of the use of the roads for this purpose and to regulate traffic signs and their placing and to appoint parking places (whether on or off the roads) and to control and regulate such places (including the imposition of fees for the use of them);
- (j) to prevent disorderly, indecent or immoral behaviour in public service motor vehicles or the use of such vehicles for or in connection with any disorderly, indecent, immoral or unlawful purpose;
- (k) to determine the conditions of employment and to fix the maximum hours of employment or work and of periods of rest of drivers of public service motor vehicles or of motor lorries or other motor vehicles designed or used for the carriage of goods;

- (l) to fix fares or other charges for passengers and goods carried or conveyed by public service motor vehicles and to provide for the publication and display of a table of such fares or other charges;
- (m) to control in connection with the use of motor vehicles the production of smoke and the emission of visible vapours, sparks, ashes and grit;
- (n) to prohibit or restrict any excessive noise and to provide for the fitting and use on motor vehicles of any silencer or other appliance for this purpose;
- (o) to provide for the fitting and use of a suppressor or other appliance on motor vehicles for the purpose of preventing any interference with any sound or television broadcasts;
- (p) to regulate the removal of any motor vehicle stationed or left unattended on any road dangerously or illegally and in such a manner as to obstruct traffic, and to provide for the circumstances in which such vehicle may be removed from any such road, and placed into safe custody;
- (q) to prohibit any obstruction or interference with the use of any road by any vehicle or otherwise;
- (r) to prescribe penalties, not exceeding imprisonment for a term not exceeding 1 year or a fine not exceeding £1000 or both such imprisonment and fine, for the breach of any regulation made under this section;
- (s) to provide that any power of an officer of the Republic exercisable under the provisions of the Republican Law or any document issued under the provisions of the Republican Law (being a power or document which is equivalent to a power or document which may be exercised or issued by an officer of the Areas under the provisions of this Ordinance or any Regulations made under it) shall be recognised and given effect in the Areas as if such power had been exercised or such document issued by such officer of the Areas;
- (t) to provide for the recognition of any right or obligation arising under this Ordinance or any Regulations made under it, as having validly been exercised or carried out by the person subject to that right or obligation if that person has exercised an equivalent right or carried out an equivalent obligation in relation to an officer of the Republic exercising a similar power under the provisions of the Republican Law;
- (u) to provide for the recognition of driving licences issued to any person by the legal licensing authorities, either civil or military, of the United Kingdom or any other country and to provide for the criteria under which any person may be exempted, either absolutely or under conditions which may be contained in such Regulations, from the requirement to hold a driving licence under this Ordinance or any Regulations made under it;
- (v) to prescribe any matter or thing which requires to be, or may be, prescribed under this Ordinance.

4.—(1) If any person drives a motor vehicle on a road at a speed which is likely to endanger human life or to cause harm or injury to any person or property, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road, he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding £1500 or to both such imprisonment and fine.

Speed limits.

(2) The Chief Officer may fix in respect of a road a maximum or minimum speed limit (and in respect of a road situated within the built up area of any military cantonment or camp or village the former shall not exceed 40 miles per hour) and indicate such speed limit by sign posts placed on such road, in such a position as to give adequate guidance to drivers using the road and may change any speed limit so fixed.

(3) Until such maximum speed limit is fixed by the Chief Officer in accordance with subsection (2) the speed limit within the built up area of any village or of any military cantonment or camp shall not exceed 30 miles per hour.

(4) If any person drives a motor vehicle on a road at a speed in excess of the maximum or at a speed lower than the minimum speed limit fixed by the Chief Officer under subsection (2) or where no such limit has been fixed, in excess of the maximum speed specified in subsection (3) above, he shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding 1 year or to a fine not exceeding £1000 or to both such imprisonment and fine.

(5) The Chief Officer may, by notice published in the Gazette, fix the maximum speed limit in respect of any type of motor vehicle specified in the notice and indicate the manner in which such speed shall be marked on such vehicle.

(6) If any person drives a motor vehicle at a speed in excess of the maximum speed limit fixed by a notice under the provision of subsection (5) or in contravention of the manner, specified in the notice, in which the maximum speed limit shall be marked on the vehicle, he shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding 1 year or to a fine not exceeding £1000 or to both such imprisonment and fine.

(7) The provisions of subsections (4) and (6) above shall not apply to any vehicle on an occasion when it is being used by a Fire Service as defined in the Fire Services Ordinance 1968, or as an ambulance or to any vehicle used by the Crown in any capacity if the observance of these provisions would be likely to hinder the use of the vehicle for the proper purpose for which it is being used in that occasion.

Ordinance 1/68.

5.—(1) Evidence of a fact relevant to proceedings for an offence contrary to section 4 may be given by the production of—

Speeding offences
admissibility of
certain evidence.

- (a) a record produced by a prescribed device, and
- (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a police officer or by a person authorised by or on behalf of the Chief Constable,

but subject to the following provisions of this section.

(2) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence under section 4 unless—

- (a) the device is of a type approved by the Administrator, and
- (b) any conditions subject to which the approval was given are satisfied.

(3) Any approval given by the Administrator for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(4) In proceedings for an offence under section 4, evidence—

- (a) of a measurement made by a device, or of the circumstances in which it was made, or
- (b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,

may be given by the production of a document which is signed as mentioned in subsection (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(5) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) above, or to be a certificate or other document signed as mentioned in that subsection or in subsection (4) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(6) Nothing in subsections (1) or (4) above shall make a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; and nothing in those subsections shall make a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

(7) In this section “prescribed device” means a device of a description specified in an order made by the Administrator under the provisions of this section.

Reckless or
dangerous driving

6.—(1) If a person drives a motor vehicle on a road rashly or recklessly or in a manner which is dangerous to the public having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road, he shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding £1,500 or to both such imprisonment and fine.

(2) On a second or subsequent conviction, under this section, the Court shall exercise the power, conferred by section 21 of ordering

that the offender shall be disqualified from holding or obtaining a licence, unless the Court, having regard to the lapse of time since the date of the previous or last conviction or for any other special reason, thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the Court to exercise such power on first conviction.

(3) Where a person is convicted of aiding, abetting, counselling or procuring or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, he shall, for the purpose of the provisions of section 21 relating to disqualification from holding or obtaining licences, be liable to the same penalties as the driver of the vehicle.

7. If a person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, he shall be guilty of an offence and on conviction be liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding £1,000 or to both such imprisonment and fine.

Careless driving.

8.—(1) Any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place, is under the influence of drink, narcotic drugs or any drugs so that his ability to drive properly is for the time being impaired, shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding £1,000 or to both such imprisonment and fine.

Driving under the influence of drink etc.

(2) A person convicted of an offence under this section shall, unless the Court for special reasons thinks fit to order otherwise, and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of 12 months from the date of the conviction from holding or obtaining a driving licence.

9.—(1) In any proceedings for an offence under section 8, the Court shall, subject to subsection (5) below, have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis of a specimen of blood taken from him with his consent by a medical practitioner, or of urine provided by him, at any material time; and if it is proved that the accused, when so requested by a Police Officer at any such time, refused to consent to the taking of or to provide a specimen for analysis, his refusal may, unless reasonable cause for it is shown, be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect of his condition at that time.

Evidence on charge of driving under the influence of drink etc.

(2) A person shall not be treated for the purposes of subsection (1) above as refusing to provide a specimen unless—

- (a) he is first requested to provide a specimen of blood, but refuses to do so;
- (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and

- (c) he is again requested to provide a specimen of blood, but refuses to do so.

(3) The first specimen of urine provided in pursuance of a request under subsection (2)(b) above shall be disregarded for the purposes of subsection (1) above.

(4) Subject to subsection (5) below, for the purposes of any such proceedings—

- (a) a certificate purporting to be signed by an authorised analyst, and certifying the proportion of alcohol or any drug found in a specimen identified by the certificate and, in the case of a specimen of urine, the proportion of alcohol or of that drug in the blood which corresponds to the proportion found in the specimen, shall be evidence of the matters so certified and of the qualification of the analyst;
- (b) a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall be evidence of the matters so certified and of the qualification of the medical practitioner.

(5) Subsection (4) shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than 7 days before the hearing or trial, nor if the accused, not less than 3 days before the hearing or trial, or within such further time as the Court may in special circumstances allow, has served notice on the Chief or a Deputy Chief Constable requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(6) Where the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless—

- (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided; and
- (b) the other specimen or part was supplied to the accused.

(7) A Police Officer requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.

(8) In this section—

“authorised analyst” means any person authorised by the Administrator to make analyses for the purposes of this section or any person holding an appointment as an analyst by whatever name called in the Public Service of the Government of, or of any public authority in, the United Kingdom or the Republic of Cyprus, who is recognised by the Administrator as an authorised analyst for the purposes of this section;

“medical practitioner” means a practitioner as defined in the Medical Practitioners Ordinance 1964;

“member of the provost staff” means a provost officer or any person legally exercising authority under or on behalf of a provost officer;

“person subject to service discipline” means a person subject to the Naval Discipline Act 1957, to military law by virtue of the Army Act 1955 or to air force law by virtue of the Air Force Act 1955, and any other person to whom section 42 of the said Act of 1957 or section 70 of either of the said Acts of 1955 for the time being applies;

“Police Officer” includes, where the accused is a person subject to service discipline, a member of the provost staff;

“provost officer” means a person who is a provost officer within the meaning of the said UK Act of 1957 or either of the said Acts of 1955.

(9) Without prejudice to section 25 of the Courts Ordinance or any other Ordinance or Rule of Law the Court may for the purposes of this section, take judicial notice of any Act of the United Kingdom referred to in this section.

Ordinance 3/60, as amended by Ordinances 7/61, 19/62, 5/63, 3/65, 9/77, 12/84, 6/88, 16/03, 13/04, 21/04, 31/04, 33/04 and 12/05.

10. A person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place, is suffering from fatigue so excessive that his ability to drive safely is for the time being impaired shall be guilty of an offence and on conviction, be liable to a term of imprisonment not exceeding 1 year or to a fine not exceeding £1000 or to both such imprisonment and fine.

Driving under the influence of fatigue.

11. Any person who takes and drives away any motor vehicle without having either the consent of the owner of the vehicle or other lawful authority shall be guilty of an offence and on conviction, be liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding £1000 or to both such imprisonment and fine.

Taking motor vehicle without owners consent.

12.—(1) Any person who otherwise than with lawful authority or reasonable cause takes or retains hold of or gets on to a motor vehicle or trailer drawn by it while in motion on any road for the purpose of being driven or carried shall be guilty of an offence and on conviction, be liable to a fine not exceeding £125.

Restrictions on persons to get on or tamper with motor vehicles.

(2) Any person who otherwise than with lawful authority or reasonable cause gets on to a motor vehicle or trailer attached to it or tampers with its brake or other part of its mechanism while such vehicle is on a road or on a parking place shall be guilty of an offence and on conviction, be liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding £1000 or to both such imprisonment and fine.

13.—(1) Subject to subsection (2), if without lawful authority any person drives a motor vehicle onto or upon any land of any description, not being land forming part of a road, he shall be guilty of an offence and on conviction, be liable to a fine not exceeding £125.

Prohibition of driving motor vehicles elsewhere than on roads.

(2) It shall not be an offence under this section—

(a) for any person to drive any motor vehicle on any land within fifteen yards of a road, for the purpose of parking the vehicle on that land;

- (b) when it is proved that the motor vehicle was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other emergency;
- (c) to drive any motor vehicle on any land in exercise of a right over such land.

Leaving motor vehicles in dangerous position.

14. If any person in charge of a motor vehicle causes or permits the vehicle or any trailer drawn by it to remain at rest on any road in such a position or in such a condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence and on conviction, be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding £150 or to both such imprisonment and fine.

Precautions to prevent unauthorised use of vehicle.

15.—(1) The owner of a motor vehicle shall take reasonable precautions to prevent unauthorised persons from using his vehicle.

(2) Failure to comply with subsection (1) shall constitute an offence punishable on conviction with imprisonment for a term not exceeding 2 years or to a fine not exceeding £2000 or to both such penalties.

(3) In any criminal proceedings for an offence under subsection (2) above, evidence that the vehicle was used by an unauthorised person shall be prima facie evidence of the guilt of the owner of the vehicle unless he shows that he took reasonable precautions to prevent such unauthorised use.

(4) For the purposes of this section—

“owner” includes any person in possession and control of a motor vehicle;

“unauthorised person” means any person who does not hold or who is not entitled to hold a licence to drive the class of vehicle in relation to which the offence has been committed or who is not covered by a valid certificate of insurance against third party risks.

Carrying excess load.

16.—(1) Where, following an inspection made in accordance with any regulations made under this Ordinance which regulate the maximum load a vehicle may carry, it is ascertained that a motor vehicle is carrying a load in excess of 15% more than the maximum permitted load then—

- (a) any police officer or any official authorised for this purpose by such regulations shall order that the vehicle be immobilised and shall not be permitted to continue its journey until the excess load has been removed by the owner or driver of such vehicle; and
- (b) for the purposes of road safety, such vehicle shall where necessary be removed to the nearest suitable place by a police officer or any official authorised for this purpose by such regulations.

(2) Where subsection (1)(b) applies the owner of the vehicle shall pay a removal fee not exceeding £50 and an additional fee of £1 for every kilometre from the point of immobilisation of the vehicle to the place to which it is removed.

(3) Any driver of a vehicle who fails or refuses to comply with the provisions of this section shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding 1 year to a fine not exceeding £750 or to both such penalties.

17. If any person for the purpose of obtaining a licence or certificate or other document under the provisions of this Ordinance or any Regulations made under it makes any statement, either oral or written, which is false or misleading or withholds any material information, such person shall, unless he proves to the satisfaction of the Court that he acted without any intent to deceive, be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding £1500 or to both such imprisonment and fine.

Obtaining licence or certificate by false information etc.

18. Any person who, with intent to deceive—

- (a) forges, alters, defaces or mutilates any licence, certificate or other document issued under the provisions of this Ordinance or any Regulations made under it; or
- (b) uses or allows to be used by any other person any such forged, altered, defaced or mutilated licence, certificate or document; or
- (c) lends to or borrows from any other person any forged, altered, defaced or mutilated licence, certificate or document; or
- (d) makes or has in his possession any document so closely resembling a licence, certificate or document issued under the provision of this Ordinance or any Regulations made under it as to be calculated to deceive; or
- (e) issues any licence, certificate or other document to be issued under the provisions of this Ordinance or any Regulations made under it,

Forgery etc. of licence etc.

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding £1500 or to both such imprisonment and fine.

19. Any person who—

- (a) wilfully removes, defaces, covers, destroys, alters, forges or substitutes the identification mark of a vehicle or its licence or the identification number of a motor vehicle's chassis or engine or conceals, with intent to conceal or misrepresent the identity of the vehicle, chassis or engine; or
- (b) purchases, receives, possesses, sells or disposes of a motor vehicle knowing that the identification marks or licence or the identification number of its chassis or engine have been removed, defaced, covered, destroyed, altered, forged or substituted with intent to conceal its identification; or
- (c) with intent to misrepresent the identity of a motor vehicle exhibits any identification marks or licence not assigned to such vehicle or fails to exhibit the identification marks or licence assigned to such vehicle under the provisions of this Ordinance or any Regulations made under it,

Removal etc. of identification marks of motor vehicles etc.

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding £1500 or to both such imprisonment and fine.

Concurrent liability of owner of motor vehicle.

20. Where with the consent of the owner (whether express or implied) any motor vehicle is used or is operated in such manner that its use or operation constitutes an offence against this Ordinance or any Regulations made under it, the owner of such motor vehicle shall be deemed to be a party to the commission of such offence and may be charged and tried with actually committing the offence and may be punished accordingly, unless he establishes to the satisfaction of the Court that the offence was committed without his knowledge and was not due to any act or omission on his part.

Power to disqualify.

21.—(1) Any Court before which a person is convicted of any offence under this Ordinance or any Regulations made under it or under any other Ordinance in connection with the driving of a motor vehicle may, in addition to any other penalty it imposes, order such person to be disqualified from holding or obtaining a licence to drive a motor vehicle for such period as the Court thinks fit.

(2) A person who by virtue of an order of the Court under subsection (1) is disqualified from holding or obtaining a licence to drive a motor vehicle may appeal against the order in the same manner as against a conviction and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.

(3) Where any person is convicted of any offence contrary to this Ordinance or any Regulations made under it, the Court by which he is convicted may, in any case, and shall when such court has ordered such person to be disqualified from holding a licence to drive, order the particulars of such conviction and such disqualification to be endorsed upon the licence of such person.

(4) The Court may, for the purpose of ensuring that an order made under the provisions of subsection (3) above is complied with, or for ensuring that any person who has been disqualified from holding or obtaining a licence to drive is prevented from using such licence during the period of such disqualification -

- (a) direct that any licence to drive held by such person (other than a licence issued to a Cypriot by a Republican authority) be surrendered to the Police during the period of such disqualification; or
- (b) direct that any licence to drive held by such person be produced to the Court for the purpose of endorsement.

(5) Any person who is disqualified from holding or obtaining a licence to drive, or prohibited from driving a motor vehicle by any Court of the Republic or any authority of the Republic under the provisions of any Republican legislation, shall be disqualified from driving in the Areas a motor vehicle (or a motor vehicle of the class specified in the order of the Court or authority of the Republic, as the case may be) for such period as he is so disqualified or prohibited in the Republic, as if he had been disqualified by the Judge's Court under the provisions of this section.

(6) In this section—

“holding” in relation to a licence to drive means lawfully being in possession of or lawfully using any driving licence, whether issued under the provisions of this Ordinance or issued outside the Areas and recognised, subject to disqualification, under the provisions of this Ordinance or any Regulations made under it, as a valid driving licence in respect of the Areas;

“offence in connection with the driving of a motor vehicle” means any specific offence in relation to which the facts proved or admitted demonstrate that the specific offence in question was so connected whether or not the provision which creates the offence includes other specific offences not connected with the driving of motor vehicles and, in particular, includes an offence contrary to section 210 of the Criminal Code, if such facts are proved or admitted.

Cap. 154 (Laws of Cyprus) as amended by Ordinances 11/63, 17/63, 10/66, 8/72, 1/73, 7/79, 8/82, 7/87, 24/89, 2/97, 1/00, 19/00, 15/01, 7/03, 2/05 and 31/05.

22. If any person who has been disqualified from holding or obtaining a licence to drive under the provisions of this or any other Ordinance, applies for or obtains a licence to drive while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle on a road, that person shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding 6 months or, if the Court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding £450, or to both such imprisonment and fine, and a licence to drive obtained by any person disqualified as aforesaid shall be of no effect.

Offence of driving whilst disqualified.

23.—(1) Where it is alleged that an offence has been committed in relation to the use of a motor vehicle or that a motor vehicle has been used in a manner prejudicial to public order or in any other circumstances as shall make it desirable that the identity of the driver of it shall be established—

Information to be provided by drivers etc.

- (a) the owner of the motor vehicle shall give such information as he may be required by a police officer to give as to the identity of the driver and of any person using the motor vehicle, and, if he fails to do so, shall be guilty of an offence unless he shows to the satisfaction of the Court that he did not know and could not with reasonable diligence have ascertained who was driving or using the motor vehicle; and
- (b) any other person shall, if required by a police officer to do so, give any information which it is in his power to give and which may lead to the identification of the driver or of any person using the motor vehicle, and, if he fails to do so, shall be guilty of an offence.

(2) Any person who is guilty of an offence against this section shall be liable, on conviction, to a fine not exceeding £450 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

24. For the purposes of sections 6, 8 and 22 the expressions “special reason”, “special reasons” or “special circumstances” mean a reason, reasons or circumstances which are, in the opinion of the Court trying the offence, special to the offence or to the offender.

Definition of special reasons or special circumstances.

25.—(1) Any registration of a motor vehicle effected in the Republic under the provisions of the Republican Law shall be recognised in the Areas as if such registration has been lawfully effected in the Areas under the provisions of this Ordinance or Regulations made under it.

Recognition of registration and of licences issued in the Republic, and of Republican powers generally.

(2) Any dealer's licence, motor vehicle licence or licence to drive issued or renewed in the Republic under the provisions of the Republican Law shall be recognised in the Areas as if such licence had been lawfully issued or renewed in the Areas under the provisions of this Ordinance or Regulations made under it.

(3) Any registration or licence of the kind referred to in subsections (1) and (2) above which under the provisions of the Republican Law has ceased to be valid in the Republic shall cease to be so recognised.

(4) The Administrator may declare by notice in the Gazette that any power exercised in the Republic by the Registrar or Deputy Registrar of Motor Vehicles of the Republic (by whatever name called) or any other officer of the Republic under any notice, shall be recognised in the Areas as if such power had been exercised by the persons exercising the functions of Registrar in the Areas (by whatever name called) or any other officers of the Areas under the equivalent provisions of this Ordinance or any public instrument made under it.

Ordinance 12/02
as amended by
Ordinance 20/05.

(5) Sections 5, 6, 7(b) and 8 of the Powers and Duties (Officers of the Republic of Cyprus) Ordinance 2002 shall apply to powers exercised by officers of the Republic and recognised in the Areas under the provisions of this Ordinance or Regulations made under this Ordinance as if such powers had been exercised in pursuance of an order of the Administrator issued under the provisions of section 3 of that Ordinance.

(6) Without prejudice to the generality of this section, any reference in this Ordinance or any Regulations made under it and, in particular, any reference in sections 17, 18 and 19 to any licence or certificate or other document obtainable or issued, or any means of identification assignable or assigned, under the provisions of this Ordinance or any Regulations made under it shall include a reference to any licence, certificate, document or means of identification obtainable, issued, assignable or assigned under the provisions of the Republican Law if such issue or assignment is recognised under the provisions of this section, or any Regulations made under the provisions of this Ordinance.

Ancillary
provisions relating
to disqualification.

26.—(1) The expression “disqualified from holding or obtaining a driving licence” or any derivative of such expression appearing in this Ordinance, or any other legislation of the Areas, shall be construed as including disqualification from driving a motor vehicle in the Areas.

(2) Any person who is disqualified from driving or holding a driving licence or whose driving licence is cancelled or withdrawn, by order of a Court or other lawful civil authority (however such order is worded) of the Republic or the United Kingdom (whether made in the United Kingdom, the Island of Cyprus or elsewhere) shall be treated in the Areas as if the Court had made an order in respect of such person under the provisions of section 21 for so long as such order of the relevant authority of the Republic or the United Kingdom remains in force.

(3) The Administrator may, by order in the Gazette, declare that the provisions of subsection (2) shall apply to similar acts of the lawful civil authorities of any country or territory outside the Areas other than the Republic or the United Kingdom.

Judicial notice to
be taken of the
Republican Law.

27.(1) Any Court of the Areas may take judicial notice of the Republican Law for the purposes of any criminal or civil proceedings in the Areas.

(2) For the purposes of this section the production of a copy of any part of the Republican Law—

- (a) contained in any printed collection of laws purported to be printed and published by an authority of the Republic; or
- (b) contained in any issue of the Official Gazette of the Republic; or
- (c) purported to be printed by the Government Printer of the Republic, by whatever name called,

shall be conclusive evidence in Court and for all purposes whatever of the due and lawful making of such law.

(3) For the purposes of this section, a version of any part of the Republican Law in the English language—

- (a) purported to be produced by any authority of the Republic; or
- (b) certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican Law was published in the Republic; or
- (c) given or produced in the course of oral evidence of any person whom the Court considers to be a competent translator for the purpose; or
- (d) stated orally in Court or produced in writing by a Registrar or official Court interpreter,

may be held by the Court to be conclusive evidence for all purposes whatsoever that such version is the accurate English version of the Republican Law or part of the Republican Law in question.

(4) For the purposes of this section—

“Republican Law” includes any public instrument originally made in the Colony which was in force on the 16th day of August, 1960 and which appears to have been made under the provisions of any Colonial Law relating to motor vehicles and road traffic, and any Law or public instrument of the Republic relating to motor vehicles and road traffic which appears to have amended or revoked such public instrument of the Colony, whether such revocation or amendment was made in or in consequence of powers contained in the Republican Law as defined in section 2 or not:

Provided that any such public instrument of the Colony, which has not been so revoked, shall be construed by the Court, with such modifications as the Court considers appropriate, as if it has been made under the provisions of a Republican Law;

“Official Gazette of the Republic” includes a Gazette or any part of a Gazette of the Colony containing any public instrument originally made in the Colony and produced either separately or as contained in any publication purporting to be issued by the Government of the Colony which contains public instruments apparently made in the Colony.

(5) Nothing in this section shall be construed as precluding any Court or judicial or quasi judicial Tribunal (by whatever name called) of the Areas from taking judicial notice of any Republican law in any proceedings in the Areas, if such Court or Tribunal considers it appropriate to do so.

Special powers of the Administrator to issue driving licences.

28. Without prejudice to any provision of this Ordinance or any Regulations made it, the Administrator may, in special circumstances, grant a special licence to any person to drive any vehicle within the Areas under such conditions as he may think fit.

Recognition of licences or permits issued by the authorities of the United Kingdom and other countries.

29. Subject to any revocation or amendment of such Instruments under the provisions of section 3, Public Instrument No 23 of 1961 and Regulation 4 of Public Instrument No 74 of 1967 (which relate to the exemptions and conditions which apply to members of the Force, civilian components or dependencies as defined in the Treaty of Establishment) shall continue in force as if such Instruments had been made under the provisions of section 3.

Repeals.

30.—(1) The following Ordinances are repealed without prejudice to anything done or left undone under such Ordinances—

Ordinance 8/73.

(a) Motor Vehicles and Road Traffic Ordinance 1973;

Ordinance 5/82.

(b) Motor Vehicles and Road Traffic (Amendment) Ordinance 1982;

Ordinance 2/83.

(c) Motor Vehicles and Road Traffic (Amendment) Ordinance 1983;

Ordinance 11/85.

(d) Motor Vehicles and Road Traffic (Amendment) Ordinance 1985; and

Ordinance 5/99.

(e) Motor Vehicles and Road Traffic (Amendment) Ordinance 1999.

(2) Any Regulations or other public instrument made under the Ordinances repealed under subsection (1) shall continue in force as if such Regulations or public instrument had been made under the provisions of section 3 of this Ordinance; but in any case where the penalty of an offence committed under such Regulations is not provided, the offender shall be liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding £1000 or to both such imprisonment and fine.

Commencement.

31. This Ordinance shall come into force on the day of its publication in the Gazette.

4th April 2006
(128/216)

J. Stainton
Acting Chief Officer.
