
INTERPRETATION (AMENDMENT) ORDINANCE 2007

An Ordinance to amend the Interpretation Ordinance.

R. H. LACEY
ADMINISTRATOR

7th August 2007.

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

1. Short title

This Ordinance may be cited as Interpretation (Amendment) Ordinance 2007.

2. References to Public Instruments

- (1) All references to “Laws” or “Ordinances” in sections 3, 4, 5, 8, 9, 10, 11, 12(1), 13, 14, 16, 19, 22, 23, 24, 25, 26, 27, 29, 35, 37, 38, and 42 of the Interpretation Ordinance^(a) (“the principal Ordinance”) are to be read as including Public Instruments, and accordingly—
 - (a) references to a repeal in those sections are to be read as including a revocation, and
 - (b) those sections are to be read with any other necessary consequent modifications.
- (2) Section 12(2) of the principal Ordinance is repealed.

3. Powers incidental to making of Public Instruments

Section 29 of the principal Ordinance is amended by inserting at the end—

- “(e) where an Ordinance or a Public Instrument confers power to make a Public Instrument, that power—
 - (i) may be exercised so as to make different provision for different cases or descriptions of case or different purposes or areas, and
 - (ii) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the person making the Public Instrument considers appropriate.”

4. Commencement

This Ordinance comes into force on the day on which it is published in the Gazette.

(SBA/AG/2/CT/181)

Notes

- (a) Cap. 1, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. These explanatory notes relate to the Interpretation (Amendment) Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. This Ordinance amends the Interpretation Ordinance, which provides default rules for interpreting other SBA enactments.

4. The amendment in section 2 clarifies, in line with modern approaches to statutory interpretation, that the rules in the Interpretation Ordinance apply to all Public Instruments as well as to Ordinances. For example, unless express provision is made otherwise:

- a. a new Public Instrument which revokes an older Public Instrument does not revive anything revoked by the older Public Instrument (section 8);
- b. nor does it affect the previous operation of the older Public Instrument while that one was in force (section 10(2)(b));
- c. references in a Public Instrument to another enactment can be read as covering that enactment as later amended or substituted (section 13); and
- d. if an Order is made under Regulations, then terms in the Order can be read as having the meaning given to them by the Regulations, even where they were not defined in the Ordinance under which the Regulations were made (section 14(2)).

5. Section 12(2) of the Interpretation Ordinance is repealed because it is redundant once section 12(1) is read as including all Public Instruments instead of just regulations, rules and bye-laws.

6. The sections not listed in section 2 already make express reference to Public Instruments, or to action “by or under” an Ordinance, or else do not refer to Laws or Ordinances as such. The exception is section 15 (which allows for printing of revised editions of the legislation), which is omitted from the list because modern technology means that the section is no longer used.

7. The amendment in section 3 clarifies that Public Instruments can cover different cases differently and can include incidental material, particularly to set out how their new provisions are to affect existing cases.

8. Each of these amendments does not alter the existing position that these provisions only apply unless the contrary intention appears in the particular legislation which is being interpreted.

