



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1488 of 4th February 2008**  
**LEGISLATION**

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**PARENTAL LEAVE AND LEAVE ON GROUNDS OF FORCE MAJEURE (AMENDMENT)**  
**ORDINANCE 2008**

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An Ordinance to amend the Parental Leave and Leave on Grounds of Force Majeure  
Ordinance 2002

**P. D. DRAYCOTT**  
**DEPUTY ADMINISTRATOR**

*31st January 2008*

**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 the Parental Leave and Leave on Grounds of Force Majeure (Amendment) Ordinance 2008.

**2. Amendment of section 11 of the Parental Leave and Leave on Grounds of Force Majeure Ordinance 2002**

In the Parental Leave and Leave on Grounds of Force Majeure Ordinance 2002(**a**) (“the principal Ordinance”), the following new subsection is inserted after section 11(2) (obligation to inform the Chief Officer) :

“(3) The functions assigned to the Chief Officer under this section are generally delegated functions for the purpose of the Delegation of Functions to the Republic Ordinance 2007(**b**).”.

**3. Amendment of section 17**

(1) Section 17(2) of the principal Ordinance (prohibition on termination of contract of employment by reason of leave under the Ordinance) is repealed and replaced by the following subsection:

“(2) An employer must not terminate the employment of, or give notice of

such termination, to an employee who has given notice of an intention to take parental leave until such time as the parental leave has ended.”.

(2) After section 17(2) of the principal Ordinance, the following new subsections are inserted:

- “(3) An employer must not terminate the employment, or give notice of such termination, to an employee who is absent on leave on grounds of force majeure.
- (4) Subsections 2 and 3 do not apply where:
  - (a) the employee is guilty of serious misconduct which justifies dismissal,
  - (b) the employer has ceased or intends to cease to carry on the business in which the employee was employed, or
  - (c) the contract of employment has expired.
- (5) Where subsection (4) applies and where an employer terminates the employment of an employee who has given notice of an intention to take parental leave and whose parental leave has not yet ended, or who is absent on leave on grounds of force majeure, the employer must give to the employee in writing a statement of the reasons for the termination of employment.”.

#### **4. Amendment of section 18**

Section 18 of the principal Ordinance (appointment of inspectors) is renumbered as 18(1) and the following new subsection is inserted:

- “(2) The functions assigned to the Chief Officer under this section are generally delegated functions for the purpose of the Delegation of Functions to the Republic Ordinance 2007.”.

#### **5. Commencement**

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

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#### **Notes**

- (a) Ordinance 39 of 2002
- (b) Ordinance 17 of 2007

## **EXPLANATORY NOTE**

**(This note does not form part of the Ordinance)**

### Introduction

1. This note relates to the Parental Leave and Leave on Grounds of Force Majeure (Amendment) Ordinance 2008. The note has been prepared by the office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The note should be read in conjunction with the Ordinance. It is not, and is 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.

### The Ordinance

3. The Ordinance amends the Parental Leave and Leave on Grounds of Force Majeure Ordinance 2002, by prohibiting an employer from terminating the employment of an employee who is either absent on leave on grounds of force majeure, or who has given notice of an intention to take parental leave and who has yet to finish taking the parental leave. However, this prohibition does not apply where the employee is guilty of serious misconduct, where the undertaking in which the employee is employed has ceased to operate or where the contract of employment has expired. In such cases, where an employer terminates the employment of an employee who is on parental leave or leave on grounds of force majeure, or who has given notice of an intention to take parental leave, he must give the employee a written statement of the reasons for the termination. These provisions replicate the effect of a 2007 amendment to the Parental Leave and Leave on Grounds of Force Majeure Law in the Republic of Cyprus.
4. The Ordinance also follows modern drafting practice by making apparent on the face of the amended Ordinance that the functions assigned to the Chief Officer in sections 11 and 18 are functions that are delegated to the Republic under the Delegation of Functions to the Republic Ordinance 2007.