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**DELEGATION OF FUNCTIONS (INTERNAL) ORDINANCE 2009**

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An Ordinance to provide for the delegation of powers and duties other than to officers of the Republic of Cyprus

**J. H. GORDON**  
**ADMINISTRATOR**

*17th December 2009.*

**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 Delegation of Functions (Internal) Ordinance 2009.

**2. Interpretation**

(1) In this Ordinance—

“designated officer” means any of the following—

Chief Officer  
Area Officers  
Fiscal Officer  
Chief Constable  
Chief Control Officer(**a**)  
Administrative Secretary;

“function” means a power or a duty, conferred or imposed, as the case may be, by a law;

“officer of the Republic” means a person on whom a function is placed by or under the law or custom of the Republic.

(2) In this Ordinance, a reference to a function—

(a) being “placed on” a person is to be read as a reference to that power being conferred on, or that duty being imposed on, that person;

- (b) being “carried out” is to be read as a reference-
  - (i) to that power being exercised or that duty being performed, or
  - (ii) to the doing of any act or thing which is permitted or required to be done in relation to the exercise of that power or the performance of that duty.

### **3. Power to delegate**

- (1) Subject to subsection (2), a designated officer on whom a function is placed may delegate the carrying out of that function to any person other than an officer of the Republic.
- (2) A designated officer may not delegate the carrying out of a function if the law which places the function on the designated officer expressly prohibits its delegation.
- (3) A designated officer may impose conditions, exceptions and qualifications on the delegation of a function.
- (4) From the date of the delegation, or from any date specified by the designated officer, the person to whom the function is delegated has the power to carry out that function.

### **4. Exercise of function by designated Officer not precluded**

The delegation of a function in accordance with section 3 does not preclude the designated Officer, at any time, from carrying out that function in person.

### **5. Repeal**

The Statutory Functions (Conferment of Exercise) Ordinance, 1982**(b)** is repealed.

### **6. Commencement**

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

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#### **Notes**

- (a)** The Chief Officer is the Chief Control Officer for the purposes of the Control (Entry, Settlement and Commercial Enterprises) Ordinance, 1960 (Ordinance 5/60).
- (b)** Ordinance 7/82.

## **EXPLANATORY NOTE**

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

1. This explanatory note relates to the Delegation of Functions (Internal) Ordinance 2009 (“the Ordinance”). It 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 Ordinance empowers the holders of certain posts in the SBA Administration to delegate to others functions placed on those postholders by legislation. A delegation can be to anyone except officers of the Republic of Cyprus as delegation to them is provided for by the Delegation of functions to the Republic Ordinance 2007 (Ordinance 17/07). The delegation could be for a period of absence or could be general where, for example, the person in that office could not be expected to exercise the function personally.

3. The Administrator is not included in the list of officers who can delegate their functions as section 22 of the Interpretation Ordinance (Cap. 1) provides a power for the Administrator to delegate his functions (except the making of rules, regulations or orders).

