



SUPPLEMENT No. 2
TO
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LEGISLATION

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**PARENTAL LEAVE AND LEAVE ON GROUNDS OF FORCE MAJEURE
(AMENDMENT) ORDINANCE 2010**

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

J. H. GORDON
ADMINISTRATOR

13th May 2010.

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 2010.

2. Amendment of section 2 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”), section 2 (Interpretation) is amended by adding the following definition in the appropriate alphabetical place—

““disability” in relation to a person means a physical or mental impairment that has a substantial and long-term effect on his or her ability to carry out normal day-to-day activities.”.

3. Repeal and replacement of section 4

Section 4 of the principal Ordinance (Entitlement to parental leave) is repealed and replaced by the following—

“4. Entitlement to parental leave

- (1) An employed parent is entitled to take a total of 13 weeks unpaid parental leave in order to take care of and participate in the raising of his or her child.

- (2) Subject to subsection (3), the entitlement referred to in subsection (1) is personal to an individual parent and not transferable.
- (3) Where a parent has taken at least 2 weeks parental leave, he or she may transfer 2 weeks of his or her remaining leave to the other parent.
- (4) Where a parent has more than one child—
 - (a) otherwise than in the circumstances described in paragraph (b), that parent is entitled to parental leave in respect of each child;
 - (b) arising from the same confinement, that parent is entitled to a total of 13 weeks parental leave, irrespective of the number of children born in that confinement.
- (5) If both parents of a child are employed by the same employer—
 - (a) they may decide between themselves which of them takes parental leave on any particular occasion and for how long; and
 - (b) they may take parental leave at the same time if the employer consents.”.

4. Repeal and replacement of section 5

Section 5 of the principal Ordinance (Period in which parental leave may be taken) is repealed and replaced by the following—

“5. Period in which parental leave may be taken

- (1) Subject to subsections (2), (3) and (4), parental leave may be taken in relation to a child –
 - (a) by a natural mother, within the period commencing on the day after the expiry of the maternity leave relating to that child and ending on the 8th anniversary of the child’s birth;
 - (b) by a natural father, within the period commencing on the day of the child’s birth and ending on the 8th anniversary of the child’s birth;
 - (c) by an adoptive parent, within the period commencing on the day after the expiry of the maternity leave and ending on the 12th anniversary of the child’s birth or the 8th anniversary of the day of adoption, whichever is the earlier.
- (2) Where maternity leave is not taken in relation to a child, the period in which parental leave may be taken commences on the day of adoption (in the case of an adoptive parent) or the day of the child’s birth (in the case of a natural parent).
- (3) Where the adoptive parent is a stepfather, the period in which he may take parental leave commences on the day of adoption.
- (4) Where a child has a disability, the period in which the leave may be taken ends on the 18th anniversary of the child’s birth.
- (5) The minimum period of parental leave that may be taken at any one time is one week.
- (6) Subject to subsection (7), a person may take by way of parental leave in any one year a maximum of 5 weeks in the case of one or 2 children and 7 weeks in the case of 3 or more children.
- (7) The maximum number of weeks taken as parental leave may exceed that specified in subsection (6) if the employer consents.”.

5. Repeal and replacement of section 6

Section 6 of the principal Ordinance (Notification to employer before taking parental leave) is repealed and replaced by the following—

“6. Notification to employer before taking parental leave

- (1) Subject to subsection (2), an employee intending to take parental leave must notify his or her employer in writing at least 3 weeks before such leave is to commence of the dates that the parental leave is to commence and end.
- (2) Where the child in relation to which the leave is to be taken suffers from a disease or disorder listed in the Schedule, the required period of notice is one week.”.

6. Amendment of section 10

Section 10 of the principal Ordinance (Preservation of employee’s rights during parental leave) is amended by—

- (a) inserting “or 12” after “section 4” in the first sentence of subsection (4); and
- (b) replacing subsection (5) with the following new subsection:
“(5) The period of absence of an employee from work in accordance with section 4 or 12 is to be regarded as a period of employment under the Employment (Termination) Ordinance 2010**(b)**.” .

7. Insertion of Schedule

The following Schedule is inserted into the principal Ordinance at the end of that Ordinance—

“Schedule

(Section 6(2))

1	Oncological disease
2	Congenital cardiopathy
3	Serious cerebral injuries and bone fractures
4	Congenital and metabolic syndromes
5	Serious metabolic disorders
6	Mediterranean anaemia, sickle cell anaemia, idiopathic thrombopenic purpura, haemophilia and similar diseases.
7	Septicaemia, meningitis, and other serious micro-bacterial infections
8	Encephalitis
9	Chronic respiratory diseases
10	Chronic renal failure
11	Chronic immunological insufficiency
12	Hypophyseal insufficiency or lack of growth hormone
13	Diabetes mellitus
14	Cystic fibrosis
15	Diseases or illnesses due to premature birth

”.

8. Commencement

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

Notes

- (a) Ordinance 39/02.
- (b) Ordinance 3/10.

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 2010. 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 (“the principal Ordinance”), broadly replicating the effect of an amendment made in February 2010 to the Parental Leave and Leave on Grounds of Force Majeure Law in the Republic of Cyprus.

4. The new section 4 of the principal Ordinance differs from the previous section 4 by allowing a parent of a child to transfer two weeks of parental leave to the child’s other parent, provided he or she has taken at least two weeks parental leave himself or herself. It also no longer prohibits a parent from taking parental leave in respect of a child within a year of taking parental leave in respect of another child while the parent is employed by the same employer. It also expressly allows two parents employed by the same employer to take leave at the same time with the employer’s consent.

5. The new section 5 of the principal Ordinance allows parental leave to be taken in the period ending on the child’s 8th birthday, rather than on the child’s 6th birthday as was the case under the previous section 5. For adoptive parents, the period in which leave may be taken ends 8 years after the adoption or on the child’s 12th birthday, whichever is the earlier. For all parents, where maternity leave is not taken (for example, where the mother was not employed at the time of childbirth), the period in which leave can be taken begins on the day of the child’s birth (in the case of natural parents) or adoption (in the case of adoptive parents). Where the child has a disability, as defined in the amended section 2, the period in which leave may be taken ends on the child’s 18th birthday. The new section 5 also increases the maximum number of weeks leave that can be taken in any one year from four weeks to five weeks (in the case of one or two children) and seven weeks (in the case of three or more children), or longer, if the employer consents.

6. The amendment to section 6 reduces the period of notice that a parent must give the employer when their child is suffering from one of the serious illnesses specified in the Schedule. The period of notice for such parents is now one week rather than three weeks.

7. The amendments to section 10 ensure that leave on grounds of force majeure is brought within the scope of subsections (4) and (5).