



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1620 of 4th July 2011**  
**LEGISLATION**

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**MINIMUM WAGE (AMENDMENT) ORDINANCE 2011**

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An Ordinance to amend the Minimum Wage Ordinance

**G. E. STACEY**  
**ADMINISTRATOR**

*28th June 2011.*

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

**1. Short title and commencement**

This Ordinance may be cited as the Minimum Wage (Amendment) Ordinance 2011 and comes into force on 1 August 2011.

**2. Interpretation**

In this Ordinance “the principal Ordinance” means the Minimum Wage Ordinance(a).

**3. Section 2 (Interpretation) amended**

Section 2 of the principal Ordinance is amended by inserting the following definitions before the definition of “minimum wage”—

“ “authorised service organisation” means an authorised service organisation as defined in Annex B to the Treaty of Establishment;

“continuously employed” means continuously employed by the same employer;

“the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas; and”.

**4. Section 3 (Fixing of minimum wage) amended**

Section 3 of the principal Ordinance is amended—

(a) in subsection (1) by deleting “in any case in which he is satisfied that the wages being paid to any persons employed in any such occupation are unreasonably low”; and

(b) by adding the following subsections—

“(4) An order under subsection (1) may provide for a higher minimum wage for a person who has been continuously employed for a minimum length of time specified in the order by a date specified in the order.

- (5) For the purposes of subsection (4), a break in a person's employment counts towards a continuous period of employment if the reason for the break is listed in Part 2 of Schedule 2 to the Employment (Termination) Ordinance 2010**(b)**.
- (6) An order under subsection (1) may provide that the minimum wage for the purposes of subsection (1) and any higher minimum wage, minimum length of time and date for the purposes of subsection (4) are those specified in Republican legislation in force from time to time."

**5. Section 5 (Penalty for not paying wages in accordance with minimum rate fixed under the provisions of section 3) amended**

Section 5(1) of the principal Ordinance is amended by—

- (a) repealing "twenty pounds" and substituting "€170", and
- (b) by repealing "five pounds" and substituting "€42".

**6. Section 8 (Employers not to receive premiums where minimum rates in force) amended**

Section 8(2) of the principal Ordinance is amended by repealing "twenty pounds" and substituting "€170".

**7. Section 12 (Record of wages to be kept) amended**

Section 12 of the principal Ordinance is amended by—

- (a) repealing "five pounds" and substituting "€42", and
- (b) repealing "two pounds" and substituting "€42".

**8. Section 13 (Appointment of officers and power of entry and inspection) amended**

Section 13(3) of the principal Ordinance is amended by—

- (a) repealing "five pounds" and substituting "€42", and
- (b) repealing "twenty pounds" and substituting "€256".

**9. Sections 14 and 15 added**

The principal Ordinance is amended by adding the following sections—

**"14. Application to the Crown**

- (1) Subject to subsections (2) and (3), this Ordinance binds the Crown.
- (2) This Ordinance does not bind the Crown in relation to service or its employment of —
  - (a) members of Her Majesty's Forces;
  - (b) members of the civilian component as defined in paragraph 1(b) of section 1 of Annex C to the Treaty of Establishment; or
  - (c) any other category of employees that the Chief Officer specifies by Order published in the Gazette.
- (3) The offences set out in sections 5, 8, 12 and 13 do not bind the Crown.

**15. Application to authorised service organisations**

This Ordinance does not bind an authorised service organisation in relation to its employment of members of the civilian component as defined in paragraph 1(b) of section 1 of Annex C to the Treaty of Establishment."

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**Notes**

- (a) Cap. 183, 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 Extention) Ordinance 1968 (5/68).
- (b) Ordinance 3/10.

## EXPLANATORY NOTE

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

1. This note relates to the Minimum Wage (Amendment) Ordinance 2011. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance, and does not form part of the Ordinance.
2. Section 4 inserts subsections (4) to (6) in section 3 of the Minimum Wage Ordinance (“the principal Ordinance”). Subsection (4) provides that an order made under section 3 of the principal Ordinance may provide for a higher rate of minimum wage if the person has been employed for at least the specified length of time by a specified date.
3. Subsection (5), by reference to the Employment (Termination) Ordinance 2010 (3/10), designates breaks in employment during which the worker is considered to be continuously employed. Therefore, where a specific period of employment is required before the worker is entitled to an increase in the minimum wage, a break in employment for one of the listed reasons counts towards this period of employment.
4. Subsection (6) gives the power by which an order, setting the rates for minimum wages, and where there is a higher rate, the minimum length of employment required and the date by which this period of employment must be completed, may refer to Republican legislation in force at any particular time.
5. Sections 5 to 8 change the levels of fines in order to bring the fines in the principal Ordinance up to date.
6. Section 9 inserts sections 14 and 15 in the principal Ordinance which make provision for application to the Crown and authorised service organisations.

