



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1657 of 25th June 2012
LEGISLATION

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EMPLOYERS LIABILITY (COMPULSORY INSURANCE) (AMENDMENT) ORDINANCE 2012

An Ordinance to amend the Employers Liability (Compulsory Insurance) Ordinance 1999

G. E. STACEY
ADMINISTRATOR

18th June 2012.

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 Employers Liability (Compulsory Insurance) (Amendment) Ordinance 2012 and comes into force on 2 July 2012.

2. Section 5 (Provisions relating to policy) amended

- (1) Section 5(2) of the Employers Liability (Compulsory Insurance) Ordinance 1999(a) (“the principal Ordinance”) is renumbered as section 5(6).
- (2) Section 5 of the principal Ordinance is amended by inserting after the proviso following subsection (1) the following new subsections—
 - “(2) Subject to subsection (5), the minimum amount of insurable liabilities which the policy referred to in section 4 must cover, including any expenses and interest, is €160,000 in respect of each employee for a work-related—
 - (a) injury;
 - (b) death; or
 - (c) disease.
 - (3) For each period of insurance for which a policy is issued, the minimum amount of insurable liabilities which the policy must cover, including any expenses and interest, is €5,125,000.

- (4) Where there is an incident or series of incidents related to the same cause, the minimum amount of insurable liabilities which the policy must cover, including any expenses and interest, is €3,415,000.
- (5) Where there is more than 1 claim deriving from an incident or series of incidents related to the same cause and the total amount of compensation for all the claims as assessed by the court exceeds the amount of €3,415,000, for the purpose of subsection (2) the minimum amount of insurable liabilities in respect of each employee is calculated as follows—

$$€160,000 \times (\text{€}3,415,000 / \text{TC})$$

Where TC is the total amount of compensation in euros as assessed by the court for all the claims deriving from the incident or series of incidents related to the same cause.”.

3. Section 15 (Duties of the employer in relation to insurance certificates) amended

- (1) Section 15(1) of the principal Ordinance is amended by—
 - (a) repealing paragraph (b) and substituting—
 - “(b) within 7 days of receiving a request in writing or orally, present or send the certificate of insurance or a copy certified in writing by an advocate to—
 - (i) an inspector appointed pursuant to section 16, or
 - (ii) a person as may be prescribed in regulations;” and
 - (b) adding as paragraph (d)—
 - “(d) within 7 days of receiving a request in writing from the Chief Officer, send to the Chief Officer a copy of the certificate of insurance or a copy certified in writing by an advocate.”.
- (2) Section 15(2) of the principal Ordinance is amended by omitting “two hundred pounds” and substituting “€3,000”.

4. Insertion of section 15A

After section 15 of the principal Ordinance the following new section is inserted—

“15A. Register of insured employers

- (1) The Chief Officer must keep a register of insured employers in which the details referred to in subsection (2) are entered.
- (2) Subject to subsection (3), every 3 months each insurer must send electronically to the Chief Officer the details prescribed in form EE2 set out in the Schedule to the Employers Liability (Compulsory Insurance) Regulations 1999**(b)**.
- (3) Where an employer is insured before 2 July 2012 an insurer must send electronically to the Chief Officer the details of employers who are already insured within 3 months of 2 July 2012.”.

5. Section 16 (Inspectors) amended

Section 16 of the principal Ordinance is amended by omitting “two hundred pounds” in subsection (4)(b) and substituting “€600”.

6. Section 20 (Offences) amended

Section 20 of the principal Ordinance is amended—

- (a) in subsection (1) by omitting “one thousand pounds” and substituting “€5,000”;
- (b) in subsection (3) by omitting “one thousand pounds” and substituting “€5,000”;

- (c) in subsection (4) by omitting “one thousand pounds” and substituting “€5,000”;
and
- (d) in subsection (5) by omitting “four hundred and fifty pounds” and substituting “€3,000”.

7. Section 21A (Delegation to the Republic) amended

Section 21A of the principal Ordinance is amended by omitting “15(1)(b)” and substituting “15(1)(d), 15A(1)”.

Notes

(a) Ordinance 1/99.

(b) P.I. 41/99.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Employers Liability (Compulsory Insurance) (Amendment) Ordinance 2012 (“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. The Ordinance reflects the changes made to the Republican Law by Law 79(I)/2011.

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.

Particular points

3. The Ordinance amends the Employers Liability (Compulsory Insurance) Ordinance 1999 (“the principal Ordinance”). Section 5 of the principal Ordinance imposes an obligation on an insurer to indemnify an employer in respect of the liabilities which the insurance policy covers. Section 5 is amended to provide for the minimum amounts of compensation which an employer’s insurance policy must cover for individual claims (€160,000); the minimum amount of cover for the period for which the insurance certificate is valid (€5,125,000); and the minimum amount of cover where there are 1 or more claims resulting from an incident or related series of incidents (€3,415,000). In circumstances where there are several claims deriving from an incident or related incidents and the assessment of compensation totals an amount which is more than €3,415,000, a formula is included to reduce the minimum amount of insurance cover for each individual claim.

4. Section 15 of the principal Ordinance is amended to extend the duties placed on employers who, if requested, within 7 days, must produce or send the certificate or a certified copy of the certificate of insurance to an inspector or send a copy or a certified copy of the certificate to the Chief Officer. As the duties of the Chief Officer are subject to general delegation, they may be carried out by the Republican official who carries out the equivalent duties.

5. Section 15A of the principal Ordinance is inserted and imposes a duty on the Chief Officer to keep a register of insured employers and imposes a duty on insurers to transmit the details contained in the certificate of insurance (which includes details of the employer and the number of employees) every 3 months. The duties of the Chief Officer are delegated to the Republican official who carries out the equivalent duties.

6. The level of fines in sections 15, 16 and 20 of the principal Ordinance are increased.