



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1673 of 14th December 2012**  
**LEGISLATION**

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**POWERBOATS (AMENDMENT NO. 2) ORDINANCE 2012**

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An Ordinance to amend the Powerboats Ordinance 1999.

**A. D. HUGGETT**  
**DEPUTY ADMINISTRATOR**

*14th December 2012.*

**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 Powerboats (Amendment No. 2) Ordinance 2012.

**2. Commencement**

This Ordinance comes into force on the day after it was made.

**3. Section 2 (Interpretation) of the Powerboats Ordinance 1999 amended**

Section 2 of the Powerboats Ordinance 1999(a) is amended by—

- (a) renumbering it as subsection (1);
- (b) omitting the definition of “competent authority”;
- (c) omitting the definition of “learner’s licence” and substituting it with—
  - ““learner’s licence” means a licence issued for the purpose of learning to operate a powerboat by the authority of the Republic vested with the power to issue licences under the appropriate Republican law (see also subsection (2))”;
- (d) omitting the definition of “operator’s licence” and substituting it with —
  - ““operator’s licence” means—
    - (a) a licence to operate a powerboat issued by the authority of the Republic vested with the power to issue such licences under the appropriate Republican law;
    - (b) any other document under which the appropriate Republican law authorises the operator to operate a powerboat; or
    - (c) a level 2 powerboat certificate of competence issued by the RYA or a certificate for an equivalent qualification issued by another organisation recognised by the Chief Officer as a similar body;”;

- (e) omitting the definition of “owner” and substituting it with—
  - ““owner” means—
    - (a) the person in whose name a powerboat is registered under the appropriate Republican law;
    - (b) a person who has been issued with a registration mark in relation to a powerboat which is recorded in the Register of Small Craft for the Areas; or
    - (c) a person who is in possession of a powerboat including a person who is in possession by virtue of a hire-purchase or other agreement;”;
- (f) omitting the definition of “powerboat circulation licence” and substituting it with—
  - ““powerboat circulation licence” means—
    - (a) a powerboat circulation licence issued by the authority of the Republic vested with the power to issue such licences under the appropriate Republican law; or
    - (b) a licence issued by the Chief Officer to the owner on being satisfied that the powerboat meets all the requirements relating to it under this Ordinance and regulations made under it;”;
- (g) inserting after the definition of “powerboat” the following definition—
  - “the “RYA” is the Royal Yachting Association;”;
- (h) inserting after the renumbered subsection (1) the following subsection—
  - “(2) A person is treated as holding a learner’s licence if the person is operating a powerboat for the purpose of obtaining a powerboat qualification under the instruction of a person who is qualified to provide tuition and is a representative of the RYA or another organisation recognised by the Chief Officer as a similar body.”.

#### 4. Section 3 amended (Operator’s licence and learner’s licence)

Section 3 is amended by inserting after subsection (4) the following subsection—

- “(5) Despite subsection (1), at the Chief Officer’s discretion and subject to any conditions which the Chief Officer considers necessary, by way of an order made as a public instrument, the Chief Officer may authorise a person or a category of persons who may operate a powerboat if the person or persons—
  - (a) have attained the age of 16; and
  - (b) hold an operator’s licence or, in accordance with section 2(2), are treated as holding a learner’s licence.”.

#### 5. Section 30 amended

Section 30(1) of the Powerboats Ordinance 1999 is amended by omitting “competent authority” and substituting with “authority of the Republic vested with the power to issue licences under the appropriate Republican law”.

#### 6. Ordinances repealed

The following Ordinances are repealed—

- (a) the Powerboats (Amendment) Ordinance 2007**(b)**; and
- (b) the Powerboats (Amendment) Ordinance 2012**(c)**.

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#### Notes

- (a) Ordinance 8/99.
- (b) Ordinance 1/07.
- (c) Ordinance 21/12.

## **EXPLANATORY NOTE**

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

1. This explanatory note relates to the Powerboats (Amendment No. 2) 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.
2. The Ordinance amends the Powerboats Ordinance 1999 by amending various definitions including the definition of “powerboat circulation licence” to enable the Chief Officer to issue powerboat circulation licences. Amendments to the definitions of “learner’s licence” and “operator’s licence” recognise that no such licences are issued in the Areas, although provision is made for recognising RYA qualifications and instruction.
3. Under the Powerboats Ordinance 1999 a person cannot operate a powerboat under the age of 17. However, the Ordinance gives the Chief Officer the power to authorise individuals to operate a powerboat if they have reached the age of 16.

