

Ordinance 04 of 2020

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**PROTECTION OF PUBLIC HEALTH (COVID-19)
ORDINANCE 2020**

An Ordinance to make provision for the protection of public health in connection with Covid-19; and for connected purposes.

R. Thomson
ADMINISTRATOR

26 March 2020

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

Short title

1. This Ordinance may be cited as the Protection of Public Health (Covid-19) Ordinance 2020.

Commencement

2. This Ordinance comes into force on the day after the day on which it is made by the Administrator.

Duration

3.—(1) Subject to subsection (2), this Ordinance expires at 6.00am on 13 April 2020.

(2) The Chief Officer may, by an order made as a public instrument, extend the duration of this Ordinance to a date specified in the order.

Interpretation

4.—(1) In this Ordinance—

“place of residence” includes any place or premises which comprises the private residence of an individual and to which the public does not have access;

“work” includes unpaid work; and

“investigating officer” means a person authorised to investigate into the commission of any offence in accordance with section 11(2) of the Criminal Procedure Ordinance 2016(a) (investigating officers).

Restriction on movement

5.—(1) No person may leave their place of residence subject to subsections (2) and (3).

(2) Subject to subsection (3) a person may leave their place of residence for any of the following purposes—

- (a) to attend a place of work or to carry out duties in the course of work;
- (b) to access public services;
- (c) to provide necessary services or goods to an individual who cannot obtain them without assistance;
- (d) to obtain goods or services which are necessary, for the time being, for a person to obtain, whether for themselves or for others;
- (e) to attend health care professionals;
- (f) to donate blood;
- (g) to attend a pharmacy;
- (h) to provide or obtain specialised treatment for persons with disabilities or persons with chronic diseases;
- (i) to allow reasonable communication and reasonable contact between divorced or separated parents and their children;
- (j) to attend banks for services that cannot be obtained remotely by that person, whether for themselves or for others;
- (k) to attend a wedding, funeral or christening of a person within the first or second degree of kindred, within the meaning of section 48 and Schedule 2 to the Wills and Succession Ordinance 1946(b), and
- (l) within proximity to the person’s place of residence in the company of no more than one other person—
 - (a) to exercise; or
 - (b) to attend to the needs of a pet.

(3) If a person leaves their place of residence that person must show on demand to an investigating officer —

- (a) a valid passport or identity document; and
- (b) evidence that they made a written record of the time that person left their residence and the purpose for leaving that residence.

(a) Ordinance, 09/2016.

(b) Cap. 195, Laws of Cyprus, 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960/1369. Schedule 2 to the Interpretation Ordinance 2012 provides for the interpretation of such legislation.

Suspension of activities

- 6.—(1) No person may organise or attend open-air markets including flea markets.
- (2) No person may attend places of religious worship.
- (3) No person may participate in or carry out the custom known as “Lambratzia” (Easter Bonfire).
- (4) No person may organise a wedding, funeral or christening unless the event is limited to no more than 10 people.
- (5) No person may carry out the following activities—
- (a) itinerant selling;
 - (b) work at construction sites except for public utility works for which the Chief Officer has granted permission;
 - (c) vehicle trading businesses; and
 - (d) retail business subject to section 7(1).
- (6) The functions of the Chief Officer under subsection 9(1)(b) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).

Services to continue operating

- 7.—(1) Section 6(5)(d) does not prevent the following services from being provided to customers—
- (a) grocery stores;
 - (b) pharmacy;
 - (c) the provision of food and drinks for consumption off the premises;
 - (d) petrol stations;
 - (e) mini markets;
 - (f) the supply of medical equipment;
 - (g) home delivery;
 - (h) electronic or telephone commercial services;
 - (i) the supply of disability and orthopaedic equipment;
 - (j) optical consultation and product assistance;
 - (k) supply of hearing aids;
 - (l) vehicle repair;
 - (m) bicycle trading and repair;
 - (n) telecommunication service for the purpose of payment of bills, balance renewal and repair and replacement of mobile phones;
 - (o) plants, pesticides, fertilizers and agricultural medicinal products, materials or equipment;
 - (p) funerary services; and
 - (q) the supply of car parts and accessories.
- (2) Section 6(5)(d) also does not prevent any retail business from—
- (a) operating remotely; or
 - (b) delivering goods to the home of the customer.
- (3) For the purposes of subsection (1)(c), where, in an area adjacent to premises where food is being sold, seating is made available for the customers of the seller of that food, the food is not

(a) Ordinance 17/2007.

deemed to be sold for consumption off the premises in question, whether or not the seating is made available by that seller.

(4) No person operating an establishment where services are being provided may, intentionally, recklessly or through lack of reasonable care, permit or suffer the ratio in subsection (5) to exceed 1 person per 8 square metres.

(5) The ratio in this subsection is that of—

- (a) the number of persons present in any area of such establishment that is open to the public; to
- (b) the surface, in square metres, of the floor of that area where the public may be present.

(6) Services that continue to operate in accordance with subsection (1) must, when a customer is being served, direct that customer comply with the requirement that no more than one person per 8 square meters is permitted.

(7) For the purposes of subsection (4), an establishment where services are being provided to all, or a significant proportion of, those who have the right to be present in a military establishment, is deemed to be an establishment where services are being provided to the public.

(8) Services that continue to operate in accordance with subsection (1), may extend business opening hours for the purpose of complying with subsection (4).

(9) Prior to 10:00am, pharmacies and grocery stores must refuse entry to any person who is not—

- (a) over sixty years old;
- (b) a pregnant or postnatal woman;
- (c) identified as having a disability;
- (d) suffering from chronic obstructive pulmonary disease, chronic bronchial asthma, pulmonary fibrosis chronic disease, chronic heart disease, diabetes mellitus, chronic end-stage kidney failure, chronic liver disease, chronic neurological or neuromuscular diseases, drepanocyte anaemia, haemoglobin diseases, immunosuppression or malignancy; or
- (e) receiving treatment for organ or hematopoietic stem cells transplantation.

(10) Subsection (9) does not apply on land occupied by the Crown in right of its Government of the United Kingdom.

Prohibited areas

8. No person may enter any of the following areas—

- (a) parks;
- (b) playgrounds;
- (c) public gathering places including dams, walking trails, beaches and marinas; and
- (d) outdoor training areas.

Power to give instructions to doctors, surgeons and nurses

9.—(1) Any person authorised to practice medicine, surgery or nursing by or under the Medical Practitioners Ordinance 1964(a) or the Nursing and Midwifery Ordinance 1964(b), must carry out such practice in accordance with any instructions given by the Chief Officer for the purposes of preventing the spread of Covid-19.

(2) Paragraph (1) does not apply to—

(a) Ordinance 10/1964.
(b) Ordinance 20/1964.

- (a) any person who is employed by the Crown or an authorised service organisation as a medical practitioner, and
- (b) any person who is employed by the Crown or an authorised service organisation as a nurse or midwife.

(3) Instructions given under paragraph (1) may relate to the practice of the person outside the Areas.

(4) The functions of the Chief Officer under paragraph (1) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).

(5) Despite any provision of the Medical Practitioners Ordinance 1964(b), any person may perform, in the Areas, any medical act which that person could perform in the Republic by virtue of paragraph 2(d) of the Quarantine (Determination of Measures for the Prevention of the Spread of Corona Virus Covid-19) Order (no.9) of 2020 of the Republic.

(6) Despite any provision of the Nursing and Midwifery Ordinance 1964(ce), any person may perform, in the Areas, any nursing act which that person could perform in the Republic by virtue of paragraph 2(d) of the Quarantine (Determination of Measures for the Prevention of the Spread of Corona Virus Covid-19) Order (no.9) of 2020 of the Republic.

Offences and penalties

10.—(1) A person (“P”) commits an offence if P fails without reasonable excuse to comply with a restriction or requirement imposed by or under this Ordinance.

(2) Any person contravening any of the restrictions or requirements imposed by or under this Ordinance is guilty of an offence and on conviction thereof is liable to imprisonment not exceeding six months or to a fine not exceeding €1000.

(3) If any offence under subsection (1) committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body; or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(4) In subsection (3), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Amendment of the Fixed Penalty Ordinance 2010

11.—(1) The Fixed Penalty Ordinance 2010(d) is amended as follows

(2) In Schedule 2 insert the following at the end of the table—

154.	Contravening or a restriction or requirement imposed by or under the Ordinance	€150	Protection of Public Health (Covid-19) Ordinance 2020	Section 10(1), (3)
155.	Contravention of any Regulations made under the Ordinance	€150	Quarantine Ordinance	Section 7

(a) Ordinance 17/2007.
 (b) Ordinance 10/1964.
 (c) Ordinance 20/1964.
 (d) Ordinance 25/2010.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Protection of Public Health (Covid-19) Ordinance 2020 (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.
2. This 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.
3. The Ordinance make provision for the protection of public health in connection with Covid-19; and for connected purposes in the Sovereign Base Areas of Akrotiri and Dhekelia. The Ordinance is intended to mirror the Quarantine (Determination of Measures for the Prevention of the Spread of Corona Virus Covid-19) Order (no.9) of 2020 of the Republic in respect of provisions on the movement of people, suspension of activities and prohibited areas.
4. Section 5 (restriction on movement) contains limitations on a person leaving their residence except for a particular purpose.
5. Section 6 (suspension of activities) suspends the ability of a person to organise or attend certain activities.
6. Section 7 (services to continue to operate) makes provision for services that can be provided to customers.
7. Section 8 (prohibited areas) prohibits a person to enter certain areas.
8. Section 9 (power to give instructions to doctors, surgeons and nurses) provides powers to the Chief Officer to give directions to doctors and nurses to prevent the spread of covid-19.
9. Section 10 (offences and penalties) sets out offences and penalties for those offences.
10. Section 11 (amendment of the Fixed Penalty Ordinance 2010) inserts provisions from section 10 of the Ordinance and section 7 of the Quarantine Ordinance(a) into schedule 2 of the Fixed Penalty Ordinance 2010(b).

(a) Cap. 260, 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 Extension) Ordinance 1968 (5/68).

(b) Ordinance 25/2010.

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