

Ordinance 22 of 2020

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P O L I C E (A M E N D M E N T) O R D I N A N C E 2 0 2 0

An Ordinance to make provision amending the Police Ordinance 2007.

R. Thomson
ADMINISTRATOR

29 June 2020

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

PART 1

Short title

1. This Ordinance may be cited as the Police (Amendment) Ordinance 2020.

Commencement

2. This Ordinance comes into force on 1 August 2020.

Amendment of the Police Ordinance 2007

3. The Police Ordinance 2007^(a) is amended in accordance with the following provisions of this Ordinance.

New sections 31 to 31C (assistance by Armed Forces and Republic of Cyprus police officers)

4. For section 31 (assistance by Armed Forces) substitute—

“Assistance by Armed Forces or Republic of Cyprus Police

31.—(1) This section applies where the Chief Constable considers that the Service requires reinforcements due to—

- (a) a state of emergency (that is, a Proclamation of Emergency under the Emergency Powers (Overseas Territories) Order 2017 is in effect^(b));
- (b) serious public disorder, or a threat of serious public disorder; or
- (c) a serious threat to human life.

(2) The Chief Constable may apply to the Administrator for authority that assistance be given by—

- (a) members of Her Majesty’s Armed Forces, by granting them the powers of a police officer; or
- (b) Republic of Cyprus police officers, by granting them either—
 - (i) the powers of a police officer; or
 - (ii) the right to carry a firearm or other weapon.

(3) An application must—

- (a) be made in writing (but see subsection (4));
- (b) state the nature of the assistance requested; and
- (c) give the Chief Constable’s reasons for making the application.

(4) Where the Chief Constable considers that the need for reinforcements is urgent, an application may be made orally in the first instance, but the Chief Constable must send a written record of the application to the Administrator as soon as reasonably possible.

Assistance by Armed Forces or Republic of Cyprus Police: authorisations

31A.—(1) The Administrator may grant an authorisation under this section if satisfied that—

- (a) the application meets a requirement under section 31(1); or
- (b) although no application has been made, the circumstances are such that the Chief Constable would have been entitled to make such an application.

(2) An authorisation must—

- (a) describe the members of Her Majesty’s Armed Forces or the Republic of Cyprus police officers who are the subject of the authorisation (whether individually, by unit or in any other way); and
- (b) state whether it grants the powers of a police officer or (in the case of Republic of Cyprus police officers) the right to carry a firearm or other weapon.

(3) The Administrator may make an authorisation subject to conditions, qualifications, limitations or exceptions.

^(a) Ordinance 6/2007, as amended by Ordinance 1/2011, 15/2011, 35/2013 and 9/2016.

^(b) UK Statutory Instrument 2017/181.

(4) The Administrator may amend, vary, substitute or revoke an authorisation made under this section at any time.

Effect of authorisation under section 31A: powers of a police officer

31B.—(1) This section applies where—

- (a) an authorisation under section 31A provides for members of Her Majesty’s Armed Forces or Republic of Cyprus police officers to have the powers of a police officer; and
- (b) a person who is a subject of such an authorisation is giving assistance requested by the Chief Constable or a police officer of the rank of Inspector or above (whether orally or in writing) in accordance with the terms of the authorisation.

(2) A person referred to in subsection (1) has all the powers, rights, duties, privileges and protections of a police officer, except in relation to matters of discipline.

Effect of authorisation under section 31A: power to carry firearm or other weapon

31C.—(1) This section applies where an authorisation under section 31A authorises Republic of Cyprus police officers to carry a firearm or other weapon.

(2) It is lawful for a person who is a subject of the authorisation to carry a type of firearm or offensive weapon specified in the authorisation when—

- (a) acting in accordance with the terms of the authorisation, or
- (b) transiting to or from the place at which the person is to act in accordance with the authorisation.

(3) In this section—

“firearm” has the same meaning as in the Firearms or Other Weapons Ordinance 2009^(a);

“offensive weapon” has the same meaning as in the Offensive Weapons Ordinance^(b).”

^(a) Ordinance 21/2000, as amended by Ordinance 6/2012, 29/2013 and 9/2016.

^(b) Cap 159, as amended by Ordinance 9/2010.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Police (Amendment) 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. 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.

3. This Ordinance replaces section 31 of the Police Ordinance 2007 (“the 2007 Ordinance”) with 4 new sections. The old section 31 set out a process in which members of the UK armed forces can be authorised to have police powers and assist the SBA Police in the Areas. The new provisions in this Ordinance replace this with a procedure by which, in certain circumstances, members of UK armed forces can be given the powers to act as a police officer, and by which officers in the Cyprus Police can be given the powers to act as a police officer, or to carry weapons (including firearms), in the Areas.

4. The new section 31 of the 2007 Ordinance sets out the circumstances in which the Chief Constable may, under this process, request that assistance may be given to the SBA Police by members of the UK armed forces or the Cyprus Police. It also stipulates the process that the Chief Constable must follow in making such a request.

5. The new section 31A of the 2007 Ordinance sets out the power of the Administrator to authorise assistance to be provided by UK armed forces.

6. The new section 31B of the 2007 Ordinance sets out the consequences of an authorisation for a member of the UK armed forces or the Cyprus Police to have the powers of a police officer. It provides that when such a person is giving assistance which the SBA Police have requested, and in accordance with an authorisation from the Administrator, that person has all the powers, rights, duties, privileges and protections of an SBA Police officer, except in relation to discipline.

7. The new section 31C sets out the consequences of an authorisation for members of the Cyprus Police to carry a weapon (including a firearm).