

**Ordinance 40 of 2020**

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**PROTECTION OF PUBLIC HEALTH (COVID-19)  
(CONSOLIDATION NO.2) (AMENDMENT NO.16)  
ORDINANCE 2020**

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An Ordinance to amend the Protection of Public Health (Covid-19) (Consolidation No.2)  
Ordinance 2020.

R. Thomson  
**ADMINISTRATOR**

*06 November 2020*

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

**Short title and commencement**

**1.**—(1) This Ordinance may be cited as the Protection of Public Health (Covid-19) (Consolidation No.2) (Amendment No.16) Ordinance 2020.

(2) This Ordinance comes into force on 7 November 2020.

## **Amendment of the Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020**

2.—(1) The Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020(a) is amended as follows.

(2) In section 5—

(a) after subsection (3)(e), insert—

“(ea) a venue designed to hold any of the following—

- (i) exhibitions,
- (ii) meetings,
- (iii) events.”.

(b) after subsection 5(4), insert—

“(5) Except as provided by the relevant health and safety guidelines, the person in charge of a place of religious worship may not permit more than 75 persons to be simultaneously present on the premises.

(6) Except as provided by the relevant health and safety guidelines, a person may organise or permit a ceremony such as a wedding, funeral or christening to be conducted only if that person ensures that no more than 75 persons are simultaneously present.

(7) Except as provided by the relevant health and safety guidelines, a person in charge of entertainment to celebrate a wedding or an event such as a christening must ensure that the following conditions are complied with—

- (a) the number of persons attending the entertainment may not exceed 150,
- (b) no more than an average of 3 persons per square metre may be present in the indoor areas of the premises at any given time;
- (c) no more than an average of 2 persons per square metre may be present in the outdoor areas of the premises at any given time;
- (d) food and drinks may only be served to attendees seated at table;
- (e) no more than 6 attendees may be seated at any table;
- (f) no entertainment activity may take place that involves attendees being otherwise than seated at tables.

(8) The person in charge of a court may not permit the number of persons present in any part of the premises to exceed the maximum determined by the relevant health and safety guidelines.”.

(3) In section 5A—

(a) in the title, omit “Akrotiri Sovereign Base Area”,

(b) omit subsection (1), and

(c) in subsection (4)—

- (i) omit “on 1, 4 and 8 November”,
- (ii) after paragraph (a), insert—

“(aa) the type of hunting that they are proposing to do is not prohibited on that day by or under that Ordinance of 2008;”.

(4) In section 6—

(a) in subsection (1), for “business”, substitute “activities”,

(b) before subsection (1)(j), insert—

“(zj)in the Akrotiri Sovereign Base Area—

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(a) Ordinance 18/2020, amended by Ordinances 19/2020, 20/2020, 24/2020, 25/2020, 26/2020, 27/2020, 28/2020, 29/2020, 30/2020, 33/2020, 35/2020, 36/2020, 37/2020, 38/2020 and 39/2020.

- (i) a playground, or
  - (ii) except on land occupied by the Crown in right of its Government of the United Kingdom, a gym”,
- (c) in subsection (2), for “customers”, substitute “users”, and for “business”, substitute “activity”,
- (d) after subsection (5), insert—
  - “(6) Except as provided by the relevant health and safety guidelines the person operating a sports facility or a facility referred to in section 9(1)(v) may not permit or suffer spectators to be present to attend at the sports, training and learning activities of the facility.
  - (7) Except as provided by the relevant health and safety guidelines, the person in charge of a children play centre must ensure that the following conditions are complied with—
    - (a) no more than 50 customers may be present in the indoor areas of the premises at any given time;
    - (b) no more than 150 customers may be present in the outdoor areas of the premises at any given time;
    - (c) no more than an average of 3 persons per square metre may be present in the indoor areas of the premises at any given time; and
    - (d) no more than an average of 2 persons per square metre may be present in the outdoor areas of the premises at any given time;
  - (8) Except as provided by the relevant health and safety guidelines, the person in charge of a theatre, performance venue or cinema must ensure that the number of customers attending the premises does not exceed 50% of the capacity of that theatre, venue or cinema.
  - (9) Except as provided by the relevant health and safety guidelines, the person in charge of an indoor conference hall or of an indoor exhibition, meeting or event venue must ensure that the following conditions are complied with—
    - (a) no more than 250 attendees may be present on the premises at any given time, and
    - (b) no more than an average of 3 persons per square metre may be present on the premises at any given time.”.
- (5) In section 6A—
  - (a) in the title, omit “: Akrotiri Sovereign Base Area”, and
  - (b) omit subsection (1).
- (6) In section 8—
  - (a) in subsection (2)—
    - (i) at the beginning of paragraph (a), insert “except as provided by the relevant health and safety guidelines”,
    - (ii) at the beginning of paragraph (aa), insert “except as provided by the relevant health and safety guidelines”,
  - (b) after subsection (2)(aa), insert—
    - “(ab) except as provided by the relevant health and safety guidelines—
      - (i) no more than 75 customers may be present in the indoor areas of the premises at any given time;
      - (ii) no more than 150 customers may be present in the outdoor areas of the premises at any given time;
      - (iii) no more than an average of 3 persons per square metre may be present in the indoor areas of the premises at any given time; and
      - (iv) no more than an average of 2 persons per square metre may be present in the outdoor areas of the premises at any given time;”.

(c) after section 8(3), insert—

“(4) No person may, between the hours of 10.30pm and 5am, operate a catering activity where food is provided to customers on the premises, whether for consumption on the premises or off the premises.”.

(7) Omit section 8A.

(8) In section 8B, after “9am”, insert “and between 1pm and 2pm”.

(9) In section 9(1)—

(a) after paragraph (x), delete “and”,

(b) after paragraph (x), insert—

“(y) a venue designed to hold any of the following—

(i) exhibitions,

(ii) meetings,

(iii) events”.

(10) After subsection 9A, insert—

#### **“Employees of community councils and municipality councils**

**10.**—(1) This section applies to employment by community councils and municipality councils.

(2) Subject to subsections (3) and (4), an employer must allow to work remotely those of its employees who—

(a) are being required to isolate under—

(i) regulation 8 or 9 of the Quarantine (Public Health) Regulations (a), or a legislative provision of the Republic having substantially the same effect on the territory of the Republic,

(ii) the Quarantine (Measures to Prevent the Spread of Covid-19) (No.3) Regulations 2020 or a legislative provision of the Republic having substantially the same effect on the territory of the Republic, as a result of returning to the island of Cyprus from travel undertaken in the course of the employment,

(b) need to be absent from work as a result of the application of section 9A, or

(c) need to act as carers for children under 16 who are being required to isolate under anything done under the provisions referred to in paragraph (a)(i).

(3) If it is not reasonably possible to allow the employee to work from home, the employer must—

(a) if it has not already done so under subsection (2) in the same calendar year, allow the employee to take special leave for reasons of public health, or

(b) otherwise, allow the employee to take sickness absence.

(4) Subsection (2)(a) only applies if the employee holds a Medical Certificate of Absence from Work for Public Health Reasons delivered by the authorities of the Republic.

(5) Unless subsection (6) applies, where an employee is granted special leave for reasons of public health under this section, the employer must pay the employee, in respect of the time spent in special leave for reasons of public health, at least—

(a) 60% of the first €1,000 of the employee’s salary; and

(b) 40% of the part of the employee’s salary that is above €1,000.

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(a) Col. Sub. Leg 1954 Rev Ed Vol 1, p.259, 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 Interpretation ordinance 2012 (8/2012).

(6) Where an employee granted special leave for reasons of public health under this section is the sole carer of the child, the employer must pay the employee, in respect of the time spent in special leave for reasons of public health, at least—

- (a) 70% of the first €1,000 of the employee's salary; and
- (b) 50% of the part of the employee's salary that is above €1,000.

(7) Where an employee was absent from work in the period starting on 20 March 2020 and ending on 6 November 2020, for any of the reasons set out in subsection (2), and such an absence was taken on annual leave, the first of such absences is deemed to have been special leave for reasons of public health under subsection (3)(a), and the other absences are deemed to be sickness absence granted under subsection (3)(b).

(8) Time spent on special leave for reasons of public health under this section is considered to be time spent in the employer's employment for the purposes of any pension, retirement gratuities, Provident Funds and payment of increments, thirteenth salary and promotion.

(9) Subsection (10) applies where—

- (a) the factors increasing the risk of an becoming seriously ill upon becoming infected by Covid-19, as determined by the relevant health and safety guidelines, are present in relation to an employee, and
- (b) it is not possible for the employee to keep from other persons the distances prescribed by the relevant health and safety guidelines.

(10) Subject to subsection (11) where this subsection applies, the employer must allow the employee to work remotely, unless it is not reasonably possible to do so.

(11) Subject to subsection (12), an employer need not allow an employee to work remotely where this would cause more than half of the employees referred to in subsection 11(a) to work remotely.

(12) The employer must apply subsection (11) so as to ensure that, as between employees, subsection (10) is applied fairly.”.

## **EXPLANATORY NOTE**

*(This note is not part of the Ordinance)*

**1.** This explanatory note relates to the Protection of Public Health (Covid-19) (Consolidation No.2) (Amendment No.16) 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.** The amendments are intended to mirror the Quarantine (Measures to Prevent the Spread of the Coronavirus COVID-19) (Order No.51) Order 2020, PI 513/2020 of the Republic.

**3.** Section 2 amends the Protection of Public Health (Covid-19)(Consolidation No.2) Ordinance 2020 ("the principal Ordinance").

**4.** Subsection (2) adds to the list of places exempted from the limit on 10 persons per gathering venues designed to hold exhibitions, meetings and events. It limits the number of persons to be present on places of religious worship, at a ceremony such as a wedding, funeral or christening, or at entertainment to celebrate a wedding or christening or equivalent, unless relevant health and safety guidelines otherwise provide. At entertainment to celebrate a wedding or christening or equivalent, it requires guests to be seated at tables of no more than 6, with no entertainment requiring them to be standing. It requires the person in charge of a court not to permit the number of persons present in any part of the premises to exceed the maximum determined by the relevant health and safety guidelines

**5.** Subsection (3) extends to the whole of the Areas the measures of curfew already in place, and extends the period during which hunters can claim an exemption.

**6.** Subsection (4) requires the closure of playgrounds and gym in the Akrotiri Sovereign Base Area, with the exception of gyms on land occupied by the Crown in right of its Government of the United Kingdom. In the whole of the Areas, it prohibits the presence of spectators at training facilities for sports and other training facilities, such as dance. It limits the number of children who can be present at children play centres. It limits the number of spectators at cinemas, theatres and performance venues, and the number of attendees at indoor conference hall or of an indoor exhibition, meeting or event venues.

**7.** Subsection (5) extends to the whole of the Areas the provisions prohibiting group sports and social activities for persons under 18.

**8.** Subsection (6) limits the number of persons who can attend dining premises, and prohibits the opening of such facilities between 10.30pm and 5am, except for delivery services. Subsection (7) repeals the similar provision on closure that previously applied to the Akrotiri Sovereign Base Area.

**9.** Subsection (8) adds to the times when grocery stores and pharmacies must reserve their services to persons with disability or over 60 the hours between 1pm and 2pm.

**10.** Subsection (9) adds to the list of activities that must comply with the relevant health and safety guidelines venues designed to hold exhibitions, meetings and events.

**11.** Subsection 10 makes provisions regarding the employees of local councils who need to isolate or look after a child in isolation, or are at particular risk from COVID-19. It provides for those employees, in certain circumstances, to be allowed to work remotely or be granted leave.

SBA/AG/2/H/180(B)

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