

**Ordinance 41 of 2020**

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**PROTECTION OF PUBLIC HEALTH (COVID-19)  
(CONSOLIDATION NO.2) (AMENDMENT NO.17)  
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**

*16 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.17) Ordinance 2020.

(2) This Ordinance comes into force on 16 November 2020 at 8.00pm.

## **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 3 (interpretation)—

(a) in subsection (1), after the definition of “cultural institution”, insert—

““disability” has the same meaning as in the Disabled Persons Ordinance 2016(b),”

(b) after subsection (5) insert—

“(6) Where a provision of this Ordinance requires the wearing or use of a mask by a person, it requires the mask to cover the person's nose and mouth.”.

(3) In section 5 (events and gatherings)—

(a) in subsection (4)—

(i) for “A person”, substitute “Except as otherwise provided by the relevant health and safety guidelines, a person”,

(ii) for “a sporting”, substitute “an official sporting”,

(b) for subsection (5) substitute—

“(5) The person in charge of a place of religious worship must ensure that the following conditions are complied with—

(a) the number of persons simultaneously present on the premises may not exceed 75,

(b) no more than an average of 3 persons per square metre may be present on the premises at any given time.”.

(c) for subsection (6), substitute—

“(6) A person may organise or permit a ceremony such as a wedding, funeral or christening only if the person ensures that the following conditions are complied with—

(a) the number of persons attending the ceremony may not exceed 75,

(b) no more than an average of 3 persons per square metre may be present at any given time on the premises where the ceremony is taking place.”.

(d) after subsection (8) insert—

“(9) Subject to subsection (10), no person may visit a person in a—

(a) care home,

(b) nursing home,

(c) chronic care unit,

(d) temporary shelter for homeless persons,

(e) day care centre, or

(d) childcare facility.

(10) A person may visit a person with a disability attending or residing in one of the facilities referred to in subsection (9) twice in any period of 7 days, or more in exceptional circumstances if the person in charge of the facility gives permission.

(11) In the Akrotiri Sovereign Base Area, no person may visit a person in a hospital, medical centre or diagnostic centre.”.

(4) In section 5A (restrictions on movements)—

(a) at the end of the title, add “Dhekelia Sovereign Base Area”.

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(a) Ordinance 18/2020, as 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, 39/2020 and 40/2020.

(b) Ordinance 17/2016.

- (b) before subsection (2), insert—
    - “(1) This section applies in the Dhekelia Sovereign Base Area only.”
  - (c) in subsection (2), for “travel from one place to another”, substitute “leave a place of residence”,
  - (d) for subsection (3), substitute—
    - “(3) A person may not be outside a place of residence between 11:00pm and 5:00am, except for the following purposes—
      - (a) to attend a place of work or to carry out duties in the course of work, if that person is carrying—
        - (i) a completed work commute form, in the form set out at Schedule 3, that evidences their entitlement under this subsection, and
        - (ii) a valid passport or identity document,
      - (b) to attend health care professionals,
      - (c) to attend a pharmacy, or
      - (d) to attend a veterinarian.”.
- (5) For section 5B substitute—

**“Provisions on masks**

**5B.** Except as provided by the relevant health and safety guidelines, where two or more persons are in the presence of each other,, all the persons aged 12 years old or more must use a mask.”.

- (6) After section 5B insert—

**“Restriction on movement: Akrotiri Sovereign Base Area**

**5C.**—(1) This section applies in the Akrotiri Sovereign Base Area only.

(2) Subject to subsections (3) to (5) no person may be outside a place of residence between 8:00pm and 5:00am.

(3) A person may be outside a place of residence between 8:00pm and 5:00am for the following purposes—

- (a) to attend a place of work or to carry out duties in the course of work, if that person is carrying—
  - (i) a completed work commute form, in the form set out at Schedule 3, that evidences their entitlement under this subsection, and
  - (ii) a valid passport or identity document,
- (b) to attend health care professionals,
- (c) to attend a pharmacy, or
- (d) to attend a veterinarian.

(4) A person may be outside a place of residence between 3:00am and 5:00am of that day if—

- (a) they are travelling to or from a place for the purpose of hunting that is not designated as a special protection area under section 8 of the Game and Wild Birds Ordinance 2008(a);
- (b) the type of hunting that they are proposing to do is not prohibited on that day by or under the Game and Wild Birds Ordinance 2008,

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(a) Ordinance 21/2008, as amended by Ordinances 03/2009, 17/2009, 29/2009, 34/2010, 08/2013, 18/2014, 01/2015, 03/2016, 10/2016, 06/2017, 07/2018, 10/2018 and 12/2019.

- (c) they hold and are carrying a valid game licence in accordance with sections 19 and 20 of the Game and Wild Birds Ordinance 2008, and
- (d) the valid game licence referred to in paragraph (c) confirms residence in the District of Limassol.

**Events and gatherings: Akrotiri Sovereign Base Area**

**5D.**—(1) This section applies in the Akrotiri Sovereign Base Area only.

(2) No person may be present in a place of residence in which more than 10 individuals (including the person in question) are simultaneously present.

(3) Subject to subsections (4) and (6), no person may gather in a group of 2 or more people (including the person in question) in any place to which the public has access.

(4) Subsection (3) does not prevent the gathering of a group consisting of the following—

- (a) no more than 2 persons over the age of 18 doing physical exercise, and
- (b) any children under the age of 18 of those persons.

(5) A person in control of a place of religious worship may permit services and other forms of religious worship to be carried out only in the absence of a congregation on the premises.

(6) Notwithstanding subsection (3), a person may organise or permit a ceremony such as a wedding, funeral or christening to take place if that person ensures that no more than 10 persons are present.”.

(7) In section 6 (restrictions on the operation of activities)—

(a) for subsection (1) substitute—

“(1) No person may operate the following—

- (a) a children’s playground or play centre,
- (b) a theme park or an amusement park,
- (c) a venue designed to hold any of the following—
  - (i) exhibitions,
  - (ii) meetings,
  - (iii) events,
- (d) a camping site,
- (e) a nightclub, disco, music-hall or other place of entertainment.”,

(b) omit subsection (7),

(c) omit subsection (9).

(8) After section 6, insert—

**“Restriction on the operation of activities: Akrotiri Sovereign Base Area**

**“6ZA.**—(1) This section applies in the Akrotiri Sovereign Base Area only.

(2) Community councils and municipality councils may only provide services to the public in urgent or exceptional circumstances.

(3) Subject to subsections (4) and (5), community councils and municipality councils must allow their employees to work remotely, unless it is not reasonably possible to do so.

(4) A community council or municipality council need not allow an employee to work remotely where this would prevent the council from fulfilling its functions under subsection (2).

(5) Community Councils and municipality councils must apply subsection (4) so as to ensure that, as between employees, subsection (3) is applied fairly.

(6) Except as otherwise provided in the relevant health and safety guidelines, the person in charge of an open air market must ensure that the number of persons attending the premises does not exceed 50% of the capacity of that open air market.

(7) Subject to subsection (8), no person may operate the following—

- (a) an archaeological site,
- (b) an historical site,
- (c) a museum,
- (d) a theatre,
- (e) a cinema,
- (e) a performance venue,
- (f) an amphitheatre,
- (g) except for the purposes of selling groceries—
  - (i) an indoor shopping mall,
  - (ii) a supermarket,
  - (iii) a department store,
- (h) a retail shop of which more than 500 square metres of the floor is opened to the public,
- (i) a barber shop,
- (j) a hairdressing salon,
- (k) a beauty parlour,
- (l) a tattoo parlour,
- (m) a driving school,
- (n) an activity that requires a licence under the Pool Betting (Regulation and Duty) Ordinance 2005(a) or the Gambling Ordinance 2013(b);
- (o) an activity that requires a licence under the Games and Amusement Machines Ordinance 2005(c).

(8) Subsection (7) does not prohibit activities that do not involve the presence of users on the premises of the activity.”.

(9) For section 6A, substitute—

**“Restriction on sporting and social activities Akrotiri Sovereign Base Area**

**6A.**—(1) This section applies in the Akrotiri Sovereign Base Area only.

(2) Subject to subsection (3), no person may organise or attend any sporting or social activity for persons under the age of 18.

(3) A sporting or social activity for persons under the age of 18 may take place where it involves no more than one person under the age of 18 and one instructor.

(4) The person in charge of a swimming pool may not allow the swimming pool to be used, unless at least one of the following conditions is complied with—

- (b) the swimming pool is used for therapeutic purposes by persons with a disability,
- (b) the swimming pool is used for the purposes of physical exercise by persons who do so either individually or in groups of no more than 4 persons, including any instructor,

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(a) Ordinance 11/2005.  
(b) Ordinance 5/2013.  
(c) Ordinance 28/2005.

- (c) the swimming pool is part of a hotel or tourist accommodation, and is exclusively for the use of customers staying at that hotel or accommodation,
  - (d) the swimming pool is used for the training or competitions or matches of the First Category of the Cyprus Sports Organisation, or of national sports teams.
- (5) A person may only operate a fitness centre if that centre is part of a hotel or tourist accommodation, and is exclusively for the use of customers staying at that hotel or accommodation.
- (6) The person in charge of a gym may not allow the swimming pool to be used, unless at least one the following conditions is complied with—
- (a) the gym is on land occupied by the Crown in right of its Government of the United Kingdom,
  - (b) the gym is in a hotel or tourist accommodation, and is exclusively for the use of customers staying at that hotel or accommodation.
- (7) The person in charge of a sports facility to which subsections (4) to (6) do not apply may not allow the swimming pool to be used, unless at least one the following conditions is complied with—
- (a) the facility is an outdoor facility and is used for the purposes of physical exercise by persons who do so either individually or in groups of no more than 4 persons, including any instructor,
  - (b) the facility is used for the purposes of sports training exercise by high-achieving athletes who do so either individually or in groups of no more than 4 persons, including any instructor,
  - (c) the facility is used for the training, competitions or matches of the First Category of the Cyprus Sports Organisation, or of national sports teams.”.
- (10) After section 8 (provision of food and drink), insert—

**“Provision of food and drink: Akrotiri Sovereign Base Area**

- 8A.**—(1) This section applies in the Akrotiri Sovereign Base Area.
- (2) Subject to subsection (3), no person may operate a restaurant or other catering activity where food or drink is provided to customers for consumption on the premises.
- (3) Subsection (2) does not apply to the following catering activity—
- (a) dining premises located within hotels and tourist accommodation to persons staying overnight at the hotel or tourist accommodation,
  - (b) catering premises located within an airport terminal, and
  - (c) a military catering facility situated on land occupied by the Crown in right of its Government of the United Kingdom.
- (4) Where subsection (3) applies, food or drink may not be provided to customers for consumption on the premises after 10:30pm.
- (5) For the purpose of subsection (2), where seating is made available for customers in an area adjacent to premises where food is being sold, the food is deemed to be sold for consumption on those premises, whether or not the seating is made available by the seller.”.
- (11) In section 8B (provision of services at pharmacies and supermarkets), subsection (1)—
- (a) in the title, for “supermarkets”, substitute “grocery stores”.
  - (b) for “9:00am and between 1pm and 2pm” substitute “10:00am”,
  - (c) in paragraph (a)—
    - (i) omit “within the meaning of the Disabled Persons Ordinance 2016, and
    - (ii) for “sixty” substitute “sixty-five”.
- (12) After section 8B, insert—

## **“Immigration detention facilities**

**8C.**—(1) Subject to subsection (2), no person may enter or exit a place approved by the Chief Officer under section 34(1) of the Immigration Ordinance 2020(a) for the detention of persons under Part 5 of that Ordinance.

(2) Subsection (1) does not apply to—

- (a) a person exercising functions with the authority of the Crown in right of its Administration of the Areas in relation to the place,
- (b) a person residing in the place,
- (c) a person entering or exiting the place for humanitarian purposes,
- (d) a person entering or exiting the place as a health professional,
- (e) a person whose entry or exit has been approved by the Chief Officer for exceptional reasons, including going to court.”.

(13) In section 9 (relevant health and safety guidelines), in subsection (1)—

- (a) omit paragraph (h),
- (b) omit paragraph (o),
- (c) omit paragraph (w),
- (d) omit paragraph (y),
- (e) after paragraph (y), insert—  
“(z) audio-visual production,”.

(14) In section 9A(1)(a), for “4 weeks”, substitute “72 hours”.

(15) In section 10 (employees of community councils and municipality councils)—

- (a) for subsection (2)(c), substitute—  
“(c) need to act as carers for children under 16 who—
  - (i) are being required to isolate under anything done under any of the provisions referred to in paragraph (a), or
  - (ii) whose school is, for the time being, being closed as a measure to prevent the spread of COVID-19.”.

(b) for subsection (3)(a), substitute—

- “(a) allow the employee to take special leave of absence for reasons of public health if the employee is required to isolate under—
- (i) regulation 9 of the of the Quarantine (Public Health) Regulations,
  - (ii) a legislative provision of the Republic having substantially the same effect on the territory of the Republic, or
  - (iii) the provisions referred to in paragraph (a)(ii).”.

(c) in subsection (10), for “subsection (11)”, substitute “subsections (11) and (12)”,

(d) in subsection (11), for “Subject to section (11), substitute “Where subsection (10) applies”,

(e) After subsection (12), insert—

“(13) Where subsection (10) does not apply because it is not reasonably possible to allow the employee to work remotely, the employer must grant the employee special leave for reasons of public health.”.

(16) In section 11, omit subsection (5).

(17) After section 13, insert—

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(a) Ordinance 34/2020.

### **“Trade Unions: remote meetings and elections**

**13A.**—(1) In this section, “Trade Union” means a trade union registered under the Trade Unions Ordinance 1968(a).

(2) This section applies where any enactment, rule of law or contractual provision or anything done under such an enactment, rule or law or contractual provision, would prevent a Trade Union from holding—

- (a) a meeting of its members where the participants of the meeting are not in the physical presence of each other, or
- (b) an election of officials of the Trade Union where the persons voting or being concerned in the holding of the election are not in the physical presence of each other.

(3) Where this section applies, the provision referred to in subsection (2) preventing such meeting or election from being held is to be of no effect if the Chief Officer so directs.

(4) The functions of the Chief Officer under subsection (3) are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007(b).

(18) In section 15 (offences and penalties)—

- (a) in subsection (2), for “any”, substitute “Subject to subsection (3A), any”.
- (b) after subsection (2), insert—

“(3A) In the case of an offence consisting of a breach of an interim order imposed under section 15A, the maximum fine to which the offender is liable is €20,000.”

(19) After section 15 (offences and penalties) insert—

### **“Interim ex-parte orders**

**15A.**—(1) A police officer may make an ex-parte application to the Resident Judge’s Court for an interim order to suspend operation of a business where a person has been charged with an offence under the provisions of this Ordinance related to the operation of the business, if that person—

- (a) controls the business, or
- (b) is an officer of a body corporate that controls the business.

(2) If an application is filed under subsection (1), the Court may make the order applied for where it appears to be just and convenient to do so.

### **Detained persons**

**15B.** For the purpose of preventing or protecting against the incidence or spread of Covid-19, a police officer or prison officer may require a person remanded in police custody or a prisoner serving a prison sentence to submit to—

- (a) a Covid-19 test,
- (b) a medical examination by a medical practitioner at a time and place specified by the police officer, or
- (c) both.”.

### **Amendment of the Fixed Penalty Ordinance 2010**

**3.**—(1) The Fixed Penalty Ordinance 2010(c) is amended as follows.

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(a) Ordinance 4/1968  
(b) Ordinance 17/2007, amended by Ordinance 8/2012.  
(c) Ordinance 25/2010, as amended by Ordinances 34/2014, 8/2015, 10/2015, 09/2016, 11/2018, 12/2018, 04/2020, 05/2020 and 13/2020.



(2) In Schedule 2, after row 155 insert—

156.	Contravention by a person who controls a business or an officer of a body corporate that controls a business of a provision of the Ordinance if the premises to which the contravention relates have a surface of under 50m <sup>2</sup> .	€500 on first contravention  €1000 on subsequent contravention	Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020	Section 15(1)
157.	Contravention by a person who controls a business or an officer of a body corporate that controls a business of a provision of the Ordinance if the premises to which the contravention relates have a surface of 50 m <sup>2</sup> or more and less than 100m <sup>2</sup>	€700 on first contravention  €1500 on subsequent contravention	Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020	Section 15(1)
158.	Contravention by a person who controls a business or an officer of a body corporate that controls a business of a provision of the Ordinance if the premises to which the contravention relates have a surface of 100m <sup>2</sup> or more and less than 200m <sup>2</sup>	€1500 on first contravention  €3000 on subsequent contravention	Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020	Section 15(1)
159.	Contravention by a person who controls a business or an officer of a body corporate that controls a business of a provision of the Ordinance if the premises to which the contravention relates have a surface of 200m <sup>2</sup> or more and less than 500m <sup>2</sup>	€4000 on first contravention  €8000 on subsequent contravention	Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020	Section 15(1)
160.	Contravention by a person who controls a business or an officer of a body corporate that controls a business of a provision of the Ordinance if the premises to which the contravention relates have a surface of 500m <sup>2</sup> or more	€8000 on first contravention  €16000 on subsequent contravention	Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020	Section 15(1)

## **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.17) 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.** The amendments are intended to mirror the Quarantine (Measures to Prevent the Spread of the Coronavirus COVID-19) Order (No.52) of 2020, PI 520/2020 of the Republic

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

**5.** Section 2(2)(b) provides that a provision of this Ordinance requiring the wearing of a mask requires the mask to cover a person’s mouth and nose.

**6.** Section 2(3)(a) amends section 5(4) of the principal Ordinance, to provide that the general prohibition on the presence of spectators it contains only applies to official sporting events, and is subject to the relevant health and safety guidelines.

**7.** Section 2(3)(b) limits the number of persons who can attend places of religious worship. Section 2(3)(c) limits the number of persons who can attend ceremonies such as weddings, christenings and funerals. Section 2(3)(d) prohibits visits in some medical and care facilities, with certain exceptions for persons with disabilities. In the Akrotiri Sovereign Base Area, it prohibits visits in hospitals, medical centres or diagnostic centres.

**8.** Section 2(4) provides that the curfew currently applying under section 5A of the principal Ordinance only applies to the Dhekelia Sovereign Base Area. Section 2(6) makes different provisions concerning the curfew applying in the Akrotiri Sovereign Base Area, where it starts at 8pm instead of 11pm. It also makes provisions restricting events and gatherings in the Akrotiri Sovereign Base Area.

**9.** Section 2(5) requires the wearing of masks by persons gathered in a group, except where otherwise provided by the relevant health and safety guidelines. Section 2(16) repeals section 11(5) of the principal Ordinance, which makes provisions similar to section 2(5).

**10.** Section 2(7) amends section 6 of the principal Ordinance, which makes provisions concerning the restriction on the operation of activities. It adds to the list of activities that are not permitted. It repeals subsections of the section that applied to activities that are not permitted in the Areas.

**11.** Sections 2(8) and 2(9) make specific provisions about restrictions of activities in the Akrotiri Sovereign Base Area, including sporting and social activities.

**12.** Section 2(10) prohibit the operation of restaurants and other catering activities in the Akrotiri Sovereign Base Area, with some exceptions.

**13.** Section 2(11) amends section 8B of the principal Ordinance. It increases the age of the persons entitled to be served by pharmacies and grocery stores at certain times of the day, and changes the times in question.

**14.** Section 2(12) makes provision restricting entry and exit to and from immigration detention facilities.

**15.** Section 2(13) amends section 9 of the principal Ordinance, which requires certain activities to comply with the relevant health and safety guidelines. It removes from the list activities that are not permitted, and adds audio-visual production to the list.

**16.** Section 2(14) amends section 9A of the principal Ordinance, which requires the disinfection of business and public authority premises where a member of staff has had Covid-19. The provision now applies when a person who has worked, in the past 72 hours, in premises used for such activities, has become infected by the disease.

**17.** Section 2(15) amends section 10 of the principal Ordinance, on public health leave and remote working for employees of local councils. It

**18.** Section 2(17) inserts a provision in the principal Ordinance giving the Chief Officer the power to disapply any provision preventing unions from holding meetings or elections remotely.

**19.** Section 2(19) inserts in the principal Ordinance a new provision allowing a court to make an interim order suspending the operation of a business where a person in control of the business is charged with a breach of its requirement, and a new provision in relation to testing persons detained on remand or serving a prison sentence for Covid-19. Section 2(18) provides for a higher penalty for the breach of an interim order than for a breach of other provisions of the Ordinance.

**20.** Section 3 amends the Fixed Penalty Ordinance 2010 by inserting fixed penalties on first and subsequent offences for breach of the Protection of Public Health (Covid-19) (Consolidation No.2) Ordinance 2020 by officers of a body corporate or persons in control of a business.