

Ordinance 05 of 2021

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**PROTECTION OF PUBLIC HEALTH (COVID-19)
(AMENDMENT) ORDINANCE 2021**

An Ordinance to amend the Protection of Public Health (Covid-19) Ordinance 2021.

R. Thomson
ADMINISTRATOR

26 January 2021

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) (Amendment) Ordinance 2021.

(2) This Ordinance comes into force on 27 January 2021.

Amendment of the Protection of Public Health (Covid-19) Ordinance 2021

2.—(1) The Protection of Public Health (Covid-19) Ordinance 2021(a) is amended as follows.

(2) In section 5 (general exceptions to the prohibition on leaving a place of residence)—

(a) number the existing text as subsection (1),

(a) Ordinance 2/2021.

- (b) after subsection (1), as numbered by paragraph (a), insert—
- “(2) A person travelling in accordance with subsection (1)(a) may, in the course of that journey, visit—
- (a) as a customer, a retail business, or
- (b) as a patient, a site where rapid testing for COVID-19 is being provided.”.
- (3) In section 6 (exceptions to the prohibition on leaving a place of residence between 5am and 9pm)—
- (a) after paragraph (d), add “or”,
- (b) after paragraph (e)(i), add “and”
- (c) after paragraph (e)(ii)(aa)(xiii), omit “and”
- (d) after paragraph (e)(ii)(aa)(xiii), insert—
- “(xiv) attending to a place of burial, or
- (xv) dropping waste at the recycling waste collection point that is nearest to their place of residence, or”,
- (e) for paragraph (e)(ii)(bb), substitute—
- “(bb) divorced or separated from the other parent of a child of theirs, and are travelling to have reasonable access to that child.”
- (4) In section 11 (places of residence), subsection (2)—
- (a) in paragraph (a)(ii), for “child”, substitute “person”,
- (b) after paragraph (a), insert—
- “(aa) where the person—
- (i) is disabled or unable to care for themselves, and the person’s presence in that place of residence is necessary for the person to receive care, or
- (ii) is under the age of 18, and the person’s presence in that place of residence is necessary for the person to receive care or childminding services,”.
- (5) In section 13 (prohibited activities)—
- (a) in subsection (1)—
- (i) in paragraph (j), after “therapeutic exercise”, insert “or for training to which subsection (4)(a) applies”,
- (ii) at the beginning of paragraph (w), insert “except for the purposes of operating a sports school, dance school or other sports facility in accordance with subsections (3) or (4),”,
- (iii) in paragraph (z), for “subsection (3)”, substitute “subsections (3) and (4)”,
- (b) in subsection (3), after “training by”, insert “groups of”,
- (c) for subsection (4)(a), substitute—
- “(a) the facility is used for the purpose of sports training by high achieving athletes, athletes of national teams included in the list referred to in paragraph 2.2(yy)(iii) of the Quarantine (Measures to Prevent the Spread of Coronavirus (COVID-19) Order (No.2) of 2021 of the Republic^(a) or athletes taking part in an exchange programme with other countries organised by the Cyprus Sports Organisation, provided that—
- (i) changing rooms are not used,
- (ii) the athletes train in groups of—
- (aa) in outdoors facilities, and in indoor facilities of a surface of 100m² and greater, no more than 5, including any instructor, and

(a) P.I. 6/2021, published in Republican Gazette No. 5436 of 8 January 2021.

- (bb) in indoor facilities of a surface smaller than 100m², no more than 3, including any instructor,
- (iii) if the sports facility is a swimming pool, that swimming pool has been approved by the Cyprus Sports Organisation for the purpose of the training of the athletes referred to in this paragraph.”.

(6) For section 16, substitute—

“Weddings, funerals, christenings etc

16.—(1) A person may organise or permit a ceremony such as a wedding, funeral or christening to take place only if that person ensures that no more than 10 persons are simultaneously present.

(2) No person may organise a meal to celebrate or mark an event such as a wedding, funeral or christening.”.

(7) In section 19 (permitted retail businesses), subsection (2), after paragraph (x), insert—

“,

- (y) a childminding business for children aged 5 years old and younger, if provided at the person’s home”.

(8) In subsection 22 (catering premises), subsection (4), for the final comma, substitute a full stop.

(9) After section 22, insert—

“Rent relief for businesses affected by prohibitions of their activities

22A.—(1) This section applies where a person (“the tenant”) is renting premises from another (“the landlord”) under a lease for the purposes of carrying out an activity to which section 19(1) or 22(1)(a) applies.

(2) Except where subsections (3) or (5) applies, an obligation, under the lease, to pay rent in respect of the months of January and February 2021 is to apply as if—

- (a) the obligation applied in full only to 30% of the amount of the rent, and
- (b) with regards to the remainder of the amount, the obligation was to pay it in 12 equal monthly instalments, the first instalment being payable—
 - (i) in relation to the rent for the month of January 2021, in the month of February 2021, and
 - (ii) in relation to the rent for the month of February 2021, in the month of March 2021.

(3) Where the rent in respect of January 2021 had been paid when this Ordinance came into force, an obligation, under the lease, to pay rent in respect of the months of February and March 2021 is to apply as if—

- (a) the obligation applied in full only to 30% of the amount of the rent, and
- (b) with regards to the remainder of the amount, the obligation was—
 - (i) to pay the rent in relation to the month of February 2021 in 12 equal monthly instalments, the first instalment being payable in March 2021, and
 - (ii) to pay the rent in relation to the month of March 2021 in 11 equal monthly instalments, the first instalment being payable in April 2021.

(4) An instalment payable under subsection (2) or (3) in any given month is payable—

- (a) if the rent is payable monthly, on the same day as the day when the rent is due, or
- (b) in any other case, on the last day of the month.

(5) Where the landlord is the Crown, in whichever capacity, there is no obligation under the lease, to pay rent in respect of the month of—

- (a) if the rent for January 2021 had not been paid when this Ordinance came into force, January and February 2021, or
 - (b) otherwise, February and March 2021.”.
- (10) In section 24 (number of persons permitted to work at a private business)—
- (a) in subsection (1)—
 - (i) for “15% of the total number of employees”, substitute “25% percent of the total number of employees of the business”,
 - (ii) for “up to a maximum of 20 people”, substitute “and no more than 25 persons”,
 - (iii) for “the premises”, substitute “any individual site of the business”,
 - (b) in subsection (2)—
 - (i) omit paragraph (b),
 - (ii) after paragraph (p), omit “or”,
 - (iii) at the end, insert—
 - “, or
 - (r) insurance services.”.
- (11) In section 31 (employees of community councils and municipality councils)—
- (a) in subsection (6)(b), for “32”, substitute “33”,
 - (b) in subsection (7)—
 - (i) omit “if it is not reasonably possible to allow the employee to work from home”,
 - (ii) before paragraph (a), insert—
 - “(za) if the employee is of a description to which subsection (6)(c) applies, allow the employee to take special leave of absence by reason of public health,”,
 - (iii) in paragraph (a)—
 - (aa) at the beginning, insert “if it is not reasonably possible to allow the employee to work remotely,”,
 - (bb) in sub-paragraph (ii), omit “or (c)”,
 - (iv) in paragraph (b), after “in any other case,”, insert “if it is not reasonably possible to allow the employee to work remotely,”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Protection of Public Health (COVID-19) Ordinance 2021 (“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. Among other things, the Ordinance mirrors provisions in the Quarantine (Measures to Prevent the Spread of the Coronavirus COVID-19) Order (No.3) of 2021(PI 11/2021) and in the Quarantine (Measures to Prevent the Spread of the Coronavirus COVID-19) Order (No.5) of 2021(PI 21/2021).

3. Section 2 amends the Protection of Public Health (Covid-19) Ordinance 2021 (“the principal Ordinance”).

4. Section 2(2) amends section 5 of the principal Ordinance, to provide that a person commuting to and from work may, during the journey, visit a retail business or a Covid-19 testing site.

5. Section 2(3) amends section 6 of the principal Ordinance, to add to the number of permissible reasons for travelling between 5am and 9pm attending a burial place or dropping recycling waste.

6. Section 2(4) amends section 11 of the principal Ordinance, to add to the permissible reasons for a person to visit a place of residence that is not the person’s the receiving of care or childminding services.

7. Section 2(5) amends section 13 of the principal Ordinance. It provides that swimming pools can be used for the training of high-level athletes, and that clubs and association may operate sport facilities and sports schools in accordance with subsections (3) and (4) of the section. It also provides that the limit on the number of persons who can use a sports facility or school applies per group of person training or exercising. Finally, it makes changes to the provisions applying to the use of sports facilities for the training of high-achieving athletes.

8. Section 2(6) changes the wording of section 16 of the principal Ordinance, which relates to weddings, funerals, christenings and similar ceremonies, and meals relating to these.

9. Section 2(7) amends section 19 of the principal Ordinance, to provide that childminding businesses run from home for children of 5 years old and under are permitted to operate.

10. Section 2(9) inserts a new section 22A in the principal Ordinance. It provides for rent cancellation, or delays in payment, for businesses affected by suspensions of activities required by the principal Ordinance.

11. Section 2(10) amends section 24 of the principal Ordinance. It increases the number of employees of a private business that may be present at the premises of the business. It also makes changes to the list of businesses exempted from that limit.

12. Section 2(11) amends section 31 of the principal Ordinance. It provides for a right for certain carers not to be required to work remotely.

SBA/AG/2/H180(B)
