

Ordinance 17 of 2021

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**PROTECTION OF PUBLIC HEALTH (COVID-19)
(AMENDMENT NO.10) ORDINANCE 2021**

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

R. Thomson
ADMINISTRATOR

27 April 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 No.10) Ordinance 2021.

(2) This Ordinance comes into force at 12 noon on 28 April 2021.

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

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

(a) Ordinance 2/2021, amended by Ordinances 5/2021, 7/2021, 8/2021, 9/2021, 10/2021, 11/2021, 14/2021, 15/2021 and 16/2021.

Amendment of section 6 (exceptions to the prohibition on leaving a place of residence)

3.—(1) Section 6 is amended as follows.

- (2) In the title, for “11pm”, substitute “9pm”,
- (3) The rest of the existing text becomes subsection (1).
- (4) In subsection (1)—
 - (a) for “a person”, insert “Subject to subsection (2), a person”,
 - (b) for “11pm”, substitute “9pm”,
 - (c) in paragraph (d), for the full stop, substitute a comma.
 - (d) after paragraph (d), insert—
 - “(da) they are travelling for the purpose of taking a vaccination for Covid-19,
 - (db) they are travelling for the purpose of taking a member of the armed forces of any country to a military camp,
 - (dc) they are travelling to attend a religious service to which section 15(5) or (6) applies,”,
 - (e) omit paragraph (e)(ii)(aa)(iva),
 - (f) omit paragraph (e)(ii)(aa)(viii),
 - (g) for paragraph (e)(ii)(aa)(xi), substitute—
 - “(xi) attending a religious service, or a ceremony such as a christening, wedding or funeral,”,
 - (h) omit paragraph (e)(ii)(aa)(xiv),
 - (i) omit paragraph (e)(ii)(aa)(xv),
 - (j) omit paragraph (e)(ii)(aa)(xviii).
- (5) After subsection (1), insert—
 - “(2) A person is permitted to leave their place of residence between 9pm on 1 May 2021 and 1am on 2 May 2021, for one of the purposes set out in subsection (1).”.

Amendment of section 7 (requirements when leaving a place of residence)

4.—(1) Section 7 is amended as follows.

- (2) In subsection (1),
 - (a) in paragraph (a), after “section 5”, insert “or 6(1)(da) or (db)”,
 - (b) after paragraph (a), insert—
 - “(aa) if doing so under section 6(1)(da) or (db), have in their possession proof that the provision in question applies to them,”.
- (3) In subsection (2)—
 - (a) for “two times”, substitute “once”,
 - (b) omit “each of those times”.
- (4) For subsection (3), substitute—
 - “(4) On 2 May 2021, subsection (2) applies as if, for “once”, there was substituted “two times”.”.

Amendment of section 9 (prohibited areas)

5.—(1) Section 9 is amended as follows.

- (2) In subsection (2), for “six”, substitute “two”.
- (3) Omit subsection (2A).

(4) Before subsection (4), insert—

“(3) Subsections (1) and (2) do not prevent the presence in a park or beach of a person who is—

- (a) under the age of 18,
- (b) accompanying a person who is present in the park or beach in accordance with subsection (2), and
- (c) a child of that person or a child under the care and supervision of that person as a guardian within the meaning of the Children Ordinance.”.

Insertion of section 10

6. After section 9, insert—

“Visiting old peoples’ homes etc.

10.—(1) Subject to subsection (2) no person may visit another person in—

- (a) an old peoples’ home,
- (b) a care home for the elderly,
- (c) a chronic care unit,
- (d) a shelter facility for vulnerable groups,
- (e) a temporary shelter facility for the homeless, or
- (f) a day care centre or childcare facility.

(2) Subject to subsection (3) a person is permitted to enter a place listed in subsection (1) where—

- (a) they are visiting a person with a disability, and
- (b) that person with a disability has not had two visitors in any week.

(3) A person may visit a person with a disability who has had more than one visitor in any week if permission is given by a social worker responsible for the person with the disability.”.

Amendment of section 11 (places of residence)

7.—(1) Section 11(2) is amended as follows.

(2) Renumber paragraph (e) as paragraph (f).

(3) Before that paragraph, insert—

“(e) the person is a member of one of two households whose members the Chief Officer has, for welfare reasons, allowed to visit each other’s places of residence, or”.

(4) In paragraph (f)—

- (a) at the beginning, insert “on 2 May 2021,”,
- (b) for “three”, substitute “nine”.

Amendment of section 12 (provision on masks)

8.—(1) Section 12 is amended as follows.

(2) The existing text becomes subsection (1).

(3) In that subsection, for “Except”, substitute “Subject to subsection (2), except”.

(4) After that subsection, insert—

“(2) Subsection (1) does not apply to a member of the workforce of a school to which this subsection applies who, in the course of their duty, is providing education services to pupils.

(3) Subsection (2) applies to private and state schools of primary education, private and state kindergartens, nursery and preschools, special schools and special units of state schools.”.

Amendment of section 13 (prohibited activities)

9. In section 13(1)—

- (a) after “any of the following—”, insert—
 - “(a) a shopping centre,
 - (aa) a department store, except for the purpose of selling groceries,”,
- (b) after paragraph (c), insert—
 - “(d) an art exhibition,
 - (e) a betting shop,
 - (ea) a gaming shop,”,
- (c) after paragraph (f), insert—
 - “(g) an archaeological site,
 - (k) an historical site,
 - (ka) a museum,
 - (l) a flea market,
 - (la) an itinerant selling business, except for the purpose of selling foodstuffs,
 - (m) a hair dressing salon,
 - (n) a barber shop,
 - (na) a beauty salon,
 - (o) a tattoo salon,”,
- (d) after paragraph (r), insert—
 - “(s) a theatre or amphitheatre,
 - (t) a cinema,”.

Amendment of section 13A (recreational activities)

10.—(1) Section 13A is amended as follows.

- (2) In subsection (1)—
 - (a) for “subsections (4) and (8)”, substitute “subsection (4) and (10)”,
 - (b) for “the conditions in subsection (2) or the conditions in subsection (3)”, substitute “the conditions in subsection (3), (3A) or (3B).”.
- (3) In subsection (2), for paragraph (b), substitute—
 - “(b) if the facility is an indoor facility, no persons are gathered in groups of more than 2 persons,”,
- (4) After subsection (3), insert—
 - “(3A) The condition in this subsection is that the facility is used for the purpose of sports training by high achieving athletes, included in the list or scheme referred to in paragraph 2.2(yv)(iii) of the Quarantine (Measures to Prevent the Spread of Coronavirus (COVID-19)

Order (No.14) of 2021 of the Republic(a), provided that the athletes train in groups of no more than 5, including any instructor.

(3B) The condition under this subsection is that the facility is a swimming pool and is used by people with a disability for therapeutic exercise.”.

(5) Omit subsections (5) to (9).

(6) For subsection (10), substitute—

“(10) A person in charge of the provision of tuition, except to the extent that they form part of activities to which subsection (3A) applies must ensure that tuition occurs in groups of no more than 2 persons, including the instructor.”.

(7) In subsection (11), for “2(c)(ii), (7) and (10)”, substitute “(2)(b), (3A), and (10)”.

(8) After subsection (11), insert—

“(12) This section does not apply to the activities of primary and secondary schools, except where these consist of tuitions provided to their pupils on an optional basis outside the main working hours of the school.”.

Repeal of section 13B (betting shops)

11. Section 13B is repealed.

Repeal of section 13C (cinemas, theatres etc)

12. Section 13C is repealed.

Amendment of section 14 (events and gatherings)

13. In section 14—

(a) in paragraph (e), omit “or”,

(b) in paragraph (f), for the full stop, substitute “, or”,

(c) after paragraph (f), insert—

“(g) an event of the type known as a Greek Easter Bonfire.”.

Amendment of section 15 (religious worship)

14.—(1) Section 15 is amended as follows.

(2) For subsection (1), substitute—

“(1) Subject to subsections (3) and (5), the person in charge of a place of religious worship must ensure that no congregation is present at that place of religious worship.”.

(3) After subsection (1), insert—

“(2) Subject to subsection (5), no person may attend a service with a congregation at a place of religious worship.”.

(4) In subsection (3), for “A person”, substitute “Subject to subsection (5), a person”.

(5) After subsection (4), insert—

“(5) Subject to subsection (6), during the period beginning on 26 April and ending on 2 May 2021 a Greek Orthodox service with a congregation may take place in a place of worship, or in an outdoor space immediately outside a place of worship, if the person in charge of the place of worship ensures that —

(a) P.I. 173/2021, published in Republican Gazette No. 5510 of 23 January 2021

- (a) all the worshippers situated indoors have received the first dose of vaccination against COVID-19 at least 21 days before the service, and are in possession of proof that they have done so,
 - (b) seats, separated by a distance of at least 2 metres, are available to all the worshippers concerned, and
 - (c) the relevant health and safety guidelines are complied with.
- (6) In relation to a Greek Orthodox service celebrated between 9.30pm on 1 May 2021 and 1am on 2 May 2021, subsection (6) applies as if its paragraph (a) read—
- “(a) no more than 50 worshippers are situated indoors at any given time,””.

Insertion of section 19

15. Before section 20, at the beginning of Part 5, insert—

“Permitted retail businesses

19.—(1) Subject to subsections (2) and (3) no person shall operate a retail business providing services directly to the public.

(2) Subsection (1) does not apply to the following—

- (a) a supermarket or retail premises that sells food and drinks for consumption off the premises,
- (b) a pharmacy,
- (c) a private health business,
- (d) a clinical laboratory,
- (e) a petrol station,
- (f) a workshop or business that provides orthopaedic items or items for disabilities,
- (g) a workshop or business that provides medical or industrial gases or machinery,
- (h) an optician,
- (i) a business selling hearing aids,
- (j) a business selling medical equipment and consumables,
- (k) a business selling car spare parts or accessories,
- (l) a business selling tyres,
- (m) a business selling or repairing bicycles,
- (n) a business that provides a cleaning service for car exteriors,
- (o) a business that repairs cars or motorcycles,
- (p) a dry cleaners,
- (q) a business that provides postal or courier services,
- (r) a business selling animal feed or veterinarian medicine,
- (s) a business selling pets or nutrition for pets or providing care for pets,
- (t) a business providing telecommunications services, to the extent that it relates to the payment of bills, balance renewal, repair and replacement of mobile devices,
- (u) a business selling or trading pesticides, fertilizers or agricultural medicinal products, materials or equipment,
- (v) a plant nursery,
- (w) a flower shop,
- (x) a childminding business for children aged 5 years old and younger, if provided at the person’s home.

(3) Subsection (1) does not prohibit activities that do not involve the presence of users on the premises of the business.”.

Amendment of section 22 (catering premises)

16.—(1) Section 22 is amended as follows.

(2) For subsection (1), substitute—

“(1) Subject to subsection (2), no person may operate a catering activity—

- (a) where food or drink is provided to customers for consumption on the premises, or
- (b) where, as part of the catering service, alcoholic drinks are sold for consumption off the premises.”.

(3) For subsection (2), substitute—

“(2) Subsection (1) does not apply to the following catering activities—

- (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, or
- (c) a military catering facility situated on land occupied by the Crown in right of its Government of the United Kingdom.”.

(4) In subsection (3)(a), for “10.45pm”, substitute “8.30pm”.

(5) In subsection (4), for “10.45pm”, substitute “8.30pm”.

Amendment of section 23 (number of persons to be permitted to enter business premises)

17. In section 23(5), omit paragraph (b).

Amendment of section 24 (number of persons permitted to work at a private business)

18.—(1) Section 24 is amended as follows.

(2) In subsection (1)—

- (a) for “30%”, substitute “20%”,
- (b) after “of the total number of employees of the business,”, insert “and no more than 25 employees,”,
- (c) after “at any one time”, insert “, except as otherwise provided by relevant health and safety guidelines”.

(3) In subsection (2)—

- (a) at the end of paragraph (q), omit “or”,
- (b) at the end of paragraph (r), for the full stop, substitute “, or”
- (c) after paragraph (r), insert—

“(s) services to provide maintenance and cleaning to buildings and outdoor areas.”.

Amendment of section 25 (opening hours of pharmacies and grocery stores)

19. In section 25, for “10am”, substitute “9am”.

Amendment of section 31 (community councils and municipal councils)

20.—(1) Section 31 is amended as follows.

(2) After subsection (2), insert—

“(2A) Subject to subsections (2B) and (2C), community councils and municipal councils must ensure that at least 50% of their employees work remotely.

(2B) Community councils and municipal councils may not reduce the activities of outdoor construction sites and outdoor workshops to comply with their obligations under subsection (2A).

(2C) Subsection (2A) does not apply to the health services of community councils and municipal councils.”.

(3) In subsection (7)—

(a) at the end of paragraph (a), delete “or”,

(b) after paragraph (a), insert—

“(aa) if the employee is of a description to which subsection (6)(c)(ii) applies, and it is not reasonably possible to allow the employee to work from home, allow the employee to take special leave of absence by reason of public health, unless—

(i) the other parent of the child has been granted special leave of absence by reason of public health,

(ii) the person making the application is part of the staff of the health services of the council, and the other parent of the child is also employed by the council, but not in health services, or”.

Amendment of Schedule 2

21. For the content of Schedule 2 (Form B), substitute—

“

Form B
DECLARATION OF CITIZEN'S MOVEMENT BY EXCEPTION

I, the undersigned,,
identity card/passport no
home address

declare that hereby the need for travelling at (fill in the exact time)
arises from the following reasons:
(tick the appropriate box below)

- 1. Going to a pharmacy, or for blood donation or visiting a physician or going to a Medical Council or for laboratory testing for Covid-19.
- 2. Going to purchase or acquire essential goods/ services, including take-away.
- 3. Going to the bank for services that are not available online.
- 4. Strictly necessary visits to public services or services of the wider public sector and local authorities.
- 5. Providing assistance to people who are unable to take care of themselves or people who must protect themselves or are in self-isolation or in places of compulsory isolation.
- 6. Going for physical activity or personal training.
- 7. Going to church or other place of religious worship or attending a ceremony, e.g. funeral, wedding, christening.
- 8. Any other reason that may be justified under the lockdown measures (Note 2):

Notes: (1) During their movements, citizens should carry their identity card/passport.

Signature:

Date:

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Protection of Public Health (Covid-19) (Amendment No.10) 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. It is not intended to be a comprehensive description.

2. The amendments are intended to mirror the Quarantine (Determination of Measures for the Prevention of the Spread of Coronavirus Covid-19) Order (No. 14) of 2021 (P.I. 173/2021) of the Republic, as amended by the Quarantine (Determination of Measures for the Prevention of the Spread of Coronavirus Covid-19) Order (No. 15) of 2021 (P.I. 175/2021) of the Republic.

3. The Ordinance amends the Protection of Public Health (Covid-19) Ordinance 2021 ("the principal Ordinance").

4. Sections 3 and 4 provide that the daily curfew instituted by the principal Ordinance will start at 9pm each night, instead of 11pm. However, there will be an exception for 1 and 2 May 2021, where it will start at 1am on 2 May. The sections also provide that people are allowed to leave their homes, without the need to obtain permission and without a daily limit, to take a COVID-19 vaccination, to drive a member of the armed forces to camp, and to attend the religious services of the Greek Orthodox Holy Week. For movements to obtain vaccination or drive a soldier to camp, proof must be carried. A number of purposes are no longer available as a justification for leaving one's place of residence. Except in specific circumstances (such as going to work), leaving one's home is only permissible once a day. There will be an exception on 2 May, where the limit will be two times during that day.

5. Under section 5, public gathering spaces can only be entered for the purposes of physical exercise, in groups of two persons, not including the children of the persons concerned. There is no longer an exception for dining premises, parks, beaches, town square and nature trails.

6. Under section 6, visits to facilities such as old people's homes, childcare facilities and shelters for homes persons are restricted.

7. Section 7 restricts the presence in places of residence of those who do not live there. The requirements will be relaxed on 2 May 2021. A provision is also introduced to allow two households to "bubble", i.e. be allowed into each other's homes without restriction, with the permission of the Chief Officer on welfare grounds.

8. Section 8 provides that those providing education services to children in schools below the level secondary schools do not have to wear masks in the course of their duties.

9. Section 9 prohibits the carrying out of a number of activities, in the presence of users of the activity. Sections 11 and 12 repeal sections of the principal Ordinance concerning cinemas, theatres and betting shops, since these activities are prohibited by section 9.

10. Section 10 makes provisions regarding the carrying out of sports activities and of sports and recreational tuitions. Changing rooms may not be used. In indoor sports facilities, training can be done only in groups of 2. Outdoor facilities may only be used for personal training and individual games, the training of high-achieving athletes, or, in the case of swimming pools, treatment for disabled people. Sports and recreational tuitions (except as part of high-achieving athlete training) can only be provided on a one-to-one basis.

11. Section 13 prohibits the holding of the events known as Greek Easter Bonfires.

12. Section 14 provides that no collective service may be held in places of religious worship, subject to certain exception concerning the celebration of the Greek Orthodox Holy Week, in respect of which the section makes a number of requirements.

13. Section 15 prohibits the carrying out of all retail business in the presence of customers, subject to a number of exceptions.

14. Section 16 prohibits catering activities, subject to certain exceptions.

15. Section 17 makes a change to the number of customers who may be present on the premises of large shops.

16. Section 18 reduces the proportion of employees who may be present on the premises of private businesses, except in the case of some important services, from 30% to 20%. It adds an item to the list of important services that are exempt.

17. Section 19 moves the time before which pharmacies and grocery stores must open only for some categories of vulnerable customers from 10am to 9am.

18. Section 20 provides that local councils must ensure that at least 50% of their employees work remotely. It provides that, to comply with this obligation, they may not reduce the activities of outdoor construction sites and outdoor workshop. The obligation to require employees to work remotely does not apply to the health services of local councils. The section also makes provision concerning the parents of children whose schools have been closed due to the COVID-19 pandemic: they must be allowed to work remotely, or be placed on special leave of absence by reason of public health, which gives them an entitlement to 60% of their salary.

19. Section 21 provides for a new Form B, which may be used to evidence an entitlement to leave one's place of residence.