

Ordinance 32 of 2021

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**PROTECTION OF PUBLIC HEALTH (COVID-
19)(NO.2) ORDINANCE 2021**

An Ordinance to make provision for the protection of public health in connection with COVID-19
and for connected purposes

R. Thomson
ADMINISTRATOR

03 November 2021

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

PART 1

Preliminary

Short title and commencement

1.—(1) This Ordinance may be cited as the Protection of Public Health (COVID-19) (No.2) Ordinance 2021.

(2) This Ordinance comes into force on 4 November 2021.

Interpretation

2.—(1) In this Ordinance—

“catering premises” means—

- (a) restaurants,
- (b) tavernas,
- (c) cafeterias,
- (d) bars,
- (e) snack bars,
- (f) coffee shops,
- (g) canteens within sports clubs, cultural clubs, associations and societies,
- (h) dining premises within hotels and other tourist accommodation, and
- (i) military catering facilities;

“dependent” has the meaning given to it in Part I of Annex B to the Treaty of Establishment;

“disability” has the same meaning as in the Disabled Person Ordinance 2016(a);

“place of residence” includes any place or premises which comprises the private residence of an individual and to which the public does not have access;

“relevant health and safety guidelines” means any guidelines, as amended from time to time—

- (a) referred to in a provision of the legislation of the Republic corresponding to a provision of this Ordinance where the phrase “relevant health and safety guidelines” is used, and
- (b) the purpose of which is to prevent or protect against the incidence or spread of COVID-19;

“reseller” means, in relation to a product, a person who sells the products without the permission of the manufacturer;

“Safepass” means evidence that the holder has either—

- (a) completed a full course of vaccination against COVID-19,
- (b) had COVID-19 within the six months immediately before the date on which the Safepass is shown, or
- (c) tested negative for COVID-19 (by either a PCR or rapid flow test) within the period of 72 hours immediately before the date and time on which the Safepass is shown;

“Safepass Plus” means either—

(a) Ordinance 17/2016

- (a) evidence that the holder has either—
 - (i) completed a full course of vaccination against COVID-19,
 - (ii) had COVID-19 within the six months immediately before the date on which the Safepass Plus is shown,
- (b) evidence that the holder is aged between 12 and 17 years and tested negative for COVID-19 (by either a PCR or rapid flow test) within the period of 72 hours immediately before the date and time on which the Safepass Plus is shown, or
- (c) evidence that the holder has—
 - (i) a medical condition that means that they cannot receive a course of vaccination against COVID-19, and
 - (ii) tested negative for COVID-19 (by either a PCR or rapid flow test) within the period of 72 hours immediately before the date and time on which the Safepass Plus is shown;

“United Kingdom personnel” has the meaning given to it in Part I of Annex B to the Treaty of Establishment.

- (2) Relevant health and safety guidelines apply in the Areas as if—
 - (a) the Areas formed part of the Republic, and
 - (b) those parts of the Areas which, before 16 August 1960, lay within—
 - (i) the district of Limassol now lay within the district of Limassol of the Republic,
 - (ii) the district of Larnaca now lay within the district of Larnaca of the Republic, and
 - (iii) the district of Famagusta now lay within the district of Famagusta of the Republic.
- (3) Subsection (4) applies within an area of land—
 - (a) owned or occupied by the Crown in right of Her Majesty’s Government of the United Kingdom, and
 - (b) to which the public does not have access,
- (4) In the application of this Ordinance in an area of land to which this subsection applies, a reference to the public applies as if the class consisting of the persons having access to any part of the area of land in question were the public.
- (5) 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.

Application

- 3.—(1) No requirement of this Ordinance applies where that requirement would make it impossible to achieve, to a satisfactory standard, any of the purposes specified in subsection (2).
- (2) The purposes specified in this subsection are—
 - (a) military activities, or
 - (b) the prevention or detection of crime, or the apprehension or prosecution of offenders, by the Sovereign Base Areas Police Service or the Sovereign Base Areas Customs and Immigration Service.
- (3) Except for section 36 this Ordinance binds the Crown.

PART 2

General provisions

Relevant health and safety guidelines

4. Unless this Ordinance makes contrary provision, a person operating or in charge of any undertaking or operation must ensure that relevant health and safety guidelines are complied with.

Masks

5.—(1) Subject to subsection (2), except as provided by relevant health and safety guidelines, where two or more people are in the presence of each other, all the persons aged 12 years old or more must wear a mask.

(2) Subsection (1) does not apply, within the premises of a school to which this subsection applies, to—

- (a) a member of the workforce of that school who, in the course of their duty, is providing education services to pupils of that school, or
- (b) a pupil of that school.

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

Safepasses

6.—(1) Subject to subsection (4) a person in charge of a relevant premises must ensure that—

- (a) relevant health and safety guidelines are complied with, and
- (b) all people permitted into those premises are either—
 - (i) in possession of a Safepass, or
 - (ii) less than 12 years old.

(2) For the purposes of this section “relevant premises” are any indoor or outdoor premises, other than parks, beaches, squares, dams, picnic sites and nature trails, where social distancing measures allow more than 10 persons to be present simultaneously.

(3) Where the relevant premises is a primary school, the obligation to be in possession of a Safepass referred to in subsection (1)(b) only applies in respect of staff.

(4) Except as provided for in section 7, subsection (1) does not apply where the relevant premises are—

- (a) on land occupied by the Crown in right of its Government of the United Kingdom, and
- (b) in an area to which the general public does not have access.

Safepasses in the workplace

7.—(1) Subject to subsection (3) any employee or self-employed person must ensure that they have a Safepass in the workplace.

(2) Subject to subsection (3) a person in charge of a workplace must ensure that all persons working in that workplace hold a Safepass.

(3) A United Kingdom personnel or a dependent is not required to have a Safepass in the workplace.

Leave entitlement to receive a COVID-19 vaccination

8.—(1) Subject to subsections (2), (3) and (4), in addition to any other leave entitlement, an employee is entitled to take one day of paid leave—

- (a) on a day where the employee escorts a child of theirs under the age of 18 or a person under their care and supervision as a guardian within the meaning of the Children Ordinance^(a) to receive a dose of COVID-19 vaccination, and
- (b) on a day where the employee receives a dose of COVID-19 vaccination.

(2) The entitlement referred to in subsection (1) is conditional upon the employee providing the employer with proof, if requested by the employer within a reasonable period of time after the leave was taken, that the vaccination to which the entitlement relates was administered.

(3) This section does not apply to the Crown in relation to its employment of—

- (a) members of Her Majesty’s Armed Forces, and
- (b) the civilian personnel accompanying those armed forces.

(4) This section does not apply to authorised service organisations in relation to their employment of civilian personnel accompanying Her Majesty’s Armed Forces.

Price Caps

9.—(1) Subject to subsection (5), no person may sell or offer for sale any of the products listed in the Schedule at a price above the maximum price set out in that Schedule.

(2) Wholesale price caps listed in the Schedule do not apply to resellers.

(3) No person may sell or offer for sale a Coronavirus COVID-19 molecular test at a price above €50, not including VAT.

(4) No person may sell or offer for sale a rapid antigen test for Coronavirus COVID-19 at a price above €10, not including VAT.

(5) The maximum price listed for Coronavirus COVID-19 molecular test does not apply to such tests where charging a price lower or equal to the maximum price would contravene a contractual obligation—

- (a) to which the Republic is party,
- (b) which was entered into before 6am on 8 January 2021, and
- (c) which authorises or requires a person to charge a higher price.

PART 3

Events and gatherings

Mass events and gatherings

10.—(1) Subject to subsection (2) no person may organise or attend, in any place—

- (a) a parade,
- (b) a concert,
- (c) a festival, or
- (d) an assembly or procession within the meaning of the Assemblies and Processions Ordinance^(b).

(2) Subsection (1) does not apply to an event where either—

- (a) this Ordinance makes contrary provision,
- (b) the Republic have issued guidelines for the event, or
- (c) the Chief Officer has granted permission for that event.

(a) Cap. 352.

(b) Cap. 32.

(3) The permission referred to in subsection 2(c) shall be in writing and the Chief Officer may impose any condition on the holding of the event subject to the permission.

Places of residence

11.—(1) Subject to subsection (2), no person may permit more than 20 people to be present in their place of residence, including that person and any other permanent residents.

(2) Subsection (1) does not apply where the Chief Officer has granted a permit for a wedding or a christening to be held at the residence, in accordance with relevant health and safety guidelines.

(3) The function of the Chief Officer under subsection (2) is a general delegated function under the Delegation of Functions Ordinance 2007(a).

Religious worship

12.—(1) A person in charge of a place of religious worship must ensure that—

(a) during a religious service, in indoor areas the congregation does not exceed—

(i) 300 people, where those people either—

(aa) present a Safepass, or

(bb) are less than 12 years old, or

(ii) 500 people, where those people either—

(aa) present a Safepass Plus, or

(bb) are less than 12 years old,

(b) during a religious service in an outdoor area the congregation does not exceed—

(i) 350 people where those people either—

(aa) present a Safepass, or

(bb) are less than 12 years old, or

(ii) 500 people where those people either—

(aa) present a Safepass Plus, or

(bb) are less than 12 years old.

(2) A person in charge of a place of religious worship must ensure that, outside of the times of a religious service, no more than 20 people are simultaneously present on the premises of the place of religious worship.

Weddings, funerals and christenings

13.—(1) A person organising a wedding, funeral or christening must ensure that—

(a) in any indoor areas the number of people does not exceed—

(i) 300 people, where those people either—

(aa) present a Safepass, or

(bb) are less than 12 years old, or

(ii) 500 people, where those people either—

(aa) present a Safepass Plus, or

(bb) are less than 12 years old, or

(b) in any outdoor areas the number of people does not exceed—

(i) 350 people, where those people either—

(a) Ordinance 17/2007

- (aa) present a Safepass, or
- (bb) are less than 12 years old, or
- (ii) 500 people, where those people either—
 - (aa) present a Safepass Plus, or
 - (bb) are less than 12 years old.

Conferences and trade fairs

- 14.** A person organising a conference or a trade fair must ensure that—
- (a) the relevant health and safety guidelines are complied with,
 - (b) the number of people simultaneously present at the conference or trade fair does not exceed 50% of the capacity of the venue, and
 - (c) all people present either—
 - (i) hold a Safepass, or
 - (ii) are less than 12 years old.

Folk festivals

15.—(1) No person may organise a folk festival that takes place adjacent to a place of worship unless the Chief Officer has granted a licence for the event.

(2) The function of the Chief Officer under subsection (1) is a general delegated function under the Delegation of Functions Ordinance 2007.

- (3) The organiser of an event licenced under subsection (1) must ensure that—
- (a) the relevant health and safety guidelines are complied with, and
 - (b) all people present either—
 - (i) hold a Safepass, or
 - (ii) are less than 12 years old.

PART 4

Businesses, undertakings and premises

Number of persons permitted to enter public service or retail premises

16.—(1) Subject to subsections (3) and (4), no person operating retail premises or an establishment where services are being provided to the public may, intentionally, recklessly or through lack of reasonable care, permit or suffer the ratio in subsection (2) to exceed 1 person per 7 square metres.

(2) The ratio in this subsection is that of the number of persons present in any area of such establishment that is open to the public to the surface, in square metres, of the floor of that area where the public may be present.

(3) Where a person is required to comply with relevant health and safety guidelines which provide that more than 1 person per 7 square metres may be present in a particular type of establishment, subsection (1) does not apply to a person operating such an establishment.

(4) A person in charge of a shopping centre or retail business must ensure that the ratio in subsection (2) does not exceed 1 person per 10 square metres.

(5) A person in charge of a retail business with a surface area greater than 500 square metres or a shopping centre must ensure that a person is present at the entrance of the premises to monitor the number of persons entering and leaving the premises to ensure that the maximum number of people permitted in that premises is not exceeded.

Signage

- 17.**—(1) A person operating a retail business, including a shopping centre, must—
- (a) put in place signage within the premises to ensure that a distance of two metres is maintained between customers at shop counters and in queues outside shops.
 - (b) display at the entrance to the premises the maximum number of people permitted to be within the premises in accordance with relevant health and safety guidelines and this Ordinance.
- (2) A person operating or in charge of a premises providing public services must—
- (a) put in place signage within the premises to ensure that a distance of two metres is maintained between any people on the premises, including staff, and
 - (b) display at the entrance to the premises the maximum number of people permitted to be within the premises in accordance with relevant health and safety guidelines and this Ordinance.

Catering establishments

18.—(1) A person operating a catering establishment must comply with the following conditions—

- (a) except as provided by relevant health and safety guidelines, no more than 12 people may be seated at any table,
- (b) except as provided by relevant health and safety guidelines, customers must not be served at the bar, and the bar area may only be used by staff for the preparation of food and drinks.

(2) Subject to subsection (3) a person operating a catering premises, other than a military catering facility situated on land occupied by the Crown in right of its Government of the United Kingdom, must ensure compliance with relevant health and safety guidelines, that—

- (a) in any indoor areas the number of people does not exceed—
 - (i) 300 people, where those people either—
 - (aa) present a Safepass, or
 - (bb) are less than 12 years old, or
 - (ii) 500 people, where those people either—
 - (aa) present a Safepass Plus, or
 - (bb) are less than 12 years old, or
- (b) in any outdoor areas the number of people does not exceed—
 - (i) 350 people, where those people either—
 - (aa) present a Safepass, or
 - (bb) are less than 12 years old, or
 - (ii) 500 people, where those people either—
 - (aa) present a Safepass Plus, or
 - (bb) are less than 12 years old.

(3) The requirement in subsection (2) for a person operating a catering establishment to ensure those people present have a Safepass or Safepass Plus does not apply to premises on—

- (a) land occupied by the Crown in right of its Government of the United Kingdom, and
- (b) in an area to which the general public does not have access.

Nightclubs, reception halls, discos, music and dance venues etc

19. A person operating a nightclub, reception hall, disco, music venue or dance venue must ensure compliance with relevant health and safety guidelines and that —

- (a) in any indoor areas the number of people does not exceed—
 - (i) 300 people, where those people either—
 - (aa) present a Safepass, or
 - (bb) are less than 12 years old, or
 - (ii) 500 people, where those people either—
 - (aa) present a Safepass Plus, or
 - (bb) are less than 12 years old, or
- (b) in any outdoor areas the number of people does not exceed—
 - (i) 350 people, where those people either—
 - (aa) present a Safepass, or
 - (bb) are less than 12 years old, or
 - (ii) 500 people, where those people either—
 - (aa) present a Safepass Plus, or
 - (bb) are less than 12 years old.
- (c) except as provided by relevant health and safety guidelines, no more than 12 people may be seated at any table.
- (d) except as provided by relevant health and safety guidelines, customers must not be served at the bar, and the bar areas may only be used by staff for the preparation of food and drinks.

Cinemas, theatres etc

20.—(1) A person operating a cinema, theatre, amphitheatre or performance venue must ensure compliance with relevant health and safety guidelines and that either—

- (a) the number of people simultaneously present at the venue does not exceed 75% of the capacity of the venue, provided that all those people have a Safepass Plus or are less than 12 years old, or
- (b) where all those people in attendance hold a Safepass or are less than 12 years old—
 - (i) the number of people in an indoor venue does not exceed 300, or
 - (ii) the number of people in an outdoor venue does not exceed 350.

Sports facilities

21.—(1) A person in charge of an indoor or outdoor sports facility must ensure that—

- (a) relevant health and safety guidelines are complied with, and
- (b) changing rooms are only used on the day of a game or competition when training or matches of team and individual sports are held.

(2) A person in charge of an indoor sports facility, including a gym or dance school, must ensure that the number of persons present in the facility does not exceed 1 person per 8 square metres.

(3) No person aged 12 years or above may use an indoor or outdoor sports facility, or participate in a sporting match or event unless they are in possession of a Safepass.

(4) A person in charge of a public swimming pool must ensure compliance with relevant health and safety guidelines and that persons may not enter that swimming pool unless they—

- (a) hold a Safepass, or
- (b) are less than 12 years old.

(5) A person organising a social sporting event such as a marathon, must ensure that relevant health and safety guidelines are complied with.

(6) A person organising a horse race must ensure that relevant health and safety guidelines are complied with.

(7) A person in charge of a stadium or sports installation, other than a football ground, must ensure—

(a) in any indoor areas the number of people does not exceed—

(i) 250 people, where those people either—

(aa) present a Safepass, or

(bb) are less than 12 years old, or

(ii) 350 people, where those people either—

(aa) present a Safepass Plus, or

(bb) are less than 12 years old, or

(b) in any outdoor areas the number of people does not exceed—

(i) 350 people, where those people either—

(aa) present a Safepass, or

(bb) are less than 12 years old, or

(ii) 500 people, where those people either—

(aa) present a Safepass Plus, or

(bb) are less than 12 years old.

(8) A person in charge of a football ground must ensure—

(i) the number of people simultaneously present at the football ground does not exceed 75% of the capacity of the football ground, and

(ii) all spectators hold a Safepass or are less than 12 years old.

(9) This section does not apply in an area—

(a) situated on land occupied by the Crown in right of its government of the United Kingdom, and

(b) in an area to which the general public does not have access.

Open air markets

22. A person in charge of an open air market must ensure that—

(a) relevant health and safety guidelines are complied with,

(b) the number of people simultaneously present at the market does not exceed 50% of the capacity of the market,

(c) a distance of at least 1.5 metres is maintained between people present at the market, and

(d) all people present either—

(i) hold a Safepass, or

(ii) are less than 12 years old.

Residential and support facilities

23.—(1) Subject to subsection (2) no person may visit another person in the indoor areas of the following—

(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,
 - (f) a day care centre, or
 - (g) a childcare facility or child protection unit.
- (2) A person ('P') is permitted to visit another person in a place listed in subsection (1) if—
- (a) P holds a Safepass, or
 - (b) P is less than 12 years old.

(3) The person in charge of facility listed in subsection (1) must ensure that relevant health and safety guidelines relating to testing for COVID-19 for staff, residents and service users are complied with.

Businesses accepting Safepass Plus

24.—(1) Any business or premises owner that decides to allow access to the business or premises only to those holding a Safepass Plus must ensure that this requirement is displayed in a prominent place at the business or premises.

(2) Any business or premises owner that decides to allow access to the business or premises only to those holding a Safepass Plus must notify the Chief Officer of this decision, in writing, at least 7 days prior to the decision taking effect.

Rent relief for businesses affected by prohibitions of their activities

25.—(1) This section applies where a person ("the tenant") is renting premises from another ("the landlord") under a lease for the purposes of operating a retail business or catering establishment which was prohibited from operating by a provision in the Protection of Public Health (COVID-19) Ordinance 2021(a).

(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 instalments of equal amount to be determined by the tenant.

(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 to pay the rent in instalments of an equal amount to be determined by the tenant—

(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.

(a) Ordinance 2/2021, amended by Ordinances 5/2021, 7/2021, 8/2021, 9/2021, 10/2021, 11/2021, 14/2021, 15/2021, 16/2021, 17/2021, 18/2021, 19/2021, 20/2021, 21/2021, 22/2021, 23/2021, 24/2021, 25/2021, 26/2021, 27/2021, 29/2021, 30/2021 and 31/2021.

Infected premises

- 26.**—(1) This section applies where—
- (a) a person who has worked, in the past 72 hours, in premises used for an activity to which this section applies has been infected with COVID-19, and
 - (b) the person in charge of the activity knows or ought reasonably to have known the fact referred to in paragraph (a).
- (2) This section applies to the following activities—
- (a) a business, and
 - (b) the activities of a public authority.
- (3) In this section—
- “contact” has the same meaning as in the Quarantine (Public Health) Regulations;
 - “the person in charge” means a person having control of the business or public authority referred to in subsection (2);
 - “the premises” means the premises referred to in subsection (1)(a); and
 - “the relevant time” means the time when the person in charge knows, or ought reasonably to have known, the fact referred to in subsection (1)(a), whichever is earlier.
- (4) The person in charge must, as soon as possible after the relevant time, and until completion of the process referred to in subsection (7), take all reasonable steps necessary to—
- (a) prevent the business from operating at the premises, and
 - (b) prevent all persons working for the business from entering the premises, in either case except for the purpose of this section.
- (5) The person in charge must, as soon as possible after the relevant time, cause the premises to be disinfected in accordance with either—
- (a) the relevant health and safety guidelines, or
 - (b) the publication entitled “Disinfection of environments in healthcare and non-healthcare settings potentially contaminated with SARS-CoV-2”, issued by the European Centre for Disease Prevention and Control^(a), as amended from time to time.
- (6) Once disinfection under subsection (5) is completed, the person in charge must take all reasonable steps necessary to ensure that all doors and windows of the premises remain closed for three hours.
- (7) After the closure referred to in subsection (6) has come to an end, the person in charge must take all reasonable steps necessary to ensure that all doors and windows of the premises remain open for 30 minutes prior to the re-entry of staff.

Visiting hospitals etc

- 27.** No person may visit another person in a hospital, clinic or diagnostic centre except—
- (a) where they hold a Safepass, or are less than 12 years old, or
 - (b) in exceptional or emergency cases, in which the person in charge of the hospital, clinic or diagnostic centre must have given permission for the visit.

Relevant undertakings

- 28.**—(1) A person in charge of a relevant undertaking must ensure that—
- (a) relevant health and safety guidelines are complied with, and
 - (b) all people present either—
 - (i) hold a Safepass, or

(a) See <https://www.ecdc.europa.eu/en/publications-data/disinfection-environments-covid-19>.

- (ii) are less than 12 years old.
- (2) For the purpose of this section a ‘relevant undertaking’ is—
 - (a) a casino,
 - (b) a driving school,
 - (c) a playground,
 - (d) a funfair,
 - (e) a theme park,
 - (f) a hotel or tourist accommodation,
 - (g) a construction site,
 - (h) a salon, barber or hairdressers,
 - (i) a tattoo parlour,
 - (j) an archaeological site,
 - (k) a museum,
 - (l) a gallery,
 - (m) a private education centre, or
 - (n) a gaming or betting establishment.

PART 5

Public services

Immigration centres

29.—A person may not be present in a place approved by the Chief Officer under section 34(1) of the Immigration Ordinance 2020(a), except as a person detained under Part 5 of that Ordinance, unless the person is either

- (a) in possession of a Safepass, or
- (b) less than 12 years old.

Courts

30. The person in charge of a court must ensure that the relevant health and safety guidelines are complied with.

Prisons

- 31.** A person may not be present in a prison, except as an inmate, unless the person is either—
- (a) in possession of a Safepass, or
 - (b) less than 12 years old.

Community councils and municipality councils

32.—(1) Community councils and municipality councils may grant special leave by reason of public health to a person employed by them (“the employee”) where—

- (a) the application of section 16 or of the relevant health and safety guidelines prevent all the employees of the council from being present at their normal workplace, and

(a) Ordinance 34/2020.

(b) it is not possible for the employee to do the work remotely.

(2) Community councils and municipality councils must ensure that, as between employees, subsection (1) is applied fairly.

(3) Subject to subsection (4) and (5), 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, or
- (ii) the Quarantine (Measures to Prevent the Spread of COVID-19) (No.3) Regulations 2020^(b) or a legislative provision of the Republic having substantially the same effect on the territory of the Republic,

(b) need to be absent from their normal workplace as a result of the application of section 26, or

(c) need to act as carers for a child aged under 16 or a person who has a disability—

- (i) who 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, closed as a measure to prevent the spread of COVID-19.

(4) Where subsection (3) applies the employer must—

(a) if the employee is of a description to which subsection (3)(c) applies, allow the employee to take special leave of absence by reason of public health,

(b) if it is not reasonably possible to allow the employee to work from home, allow the employee to take special leave of absence for reasons of public health if the employee—

(i) is required to isolate under—

- (aa) regulation 9 of the Quarantine (Public Health) Regulations, as a result of having come into contact with an infected person during the course of their employment,
- (bb) a legislative provision of the Republic having the same effect on the territory of the Republic, as a result of having come into contact with any infected person during the course of their employment, or
- (cc) the provisions referred to in subsection (3)(a)(ii), as a result of returning to the island of Cyprus from travel undertaken in the course of their employment, or

(ii) is of a description to which subsection (3)(b) applies

(iii) is of a description to which subsection (3)(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—

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

(c) in any other case if it is not reasonably possible to allow the employee to work remotely, allow the employee to either—

(i) take sickness leave, or

(a) Cap. 145

(b) PI 6/2020, as amended by PI 01/2021

(ii) in exceptional circumstances, take special leave of absence for reasons of public health.

(5) Subsection (3)(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.

(6) 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 60% of the employee's salary.

(7) 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.

(8) Subsection (9) applies where—

- (a) the factors increasing the risk of becoming seriously ill upon contracting 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.

(9) Where this subsection applies, the employer must allow the employee to work remotely, unless it is not reasonably possible to do so.

(10) Where subsection (9) 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.

(11) Subject to subsection (13), where the prevalence of COVID-19 has prevented the employee of a community council or a municipality council to take any part of their annual leave entitlement for the year 2020, the untaken annual leave entitlement is carried over to the year 2021, in addition to any other leave that the employee is entitled to carry over.

(12) Subject to subsection (13), where the prevalence of COVID-19 has prevented the employee of a community council or a municipality council to take any part of their annual leave entitlement for the year 2021, the untaken annual leave entitlement is carried over to the end of the year 2022, in addition to any other leave that the employee is entitled to carry over.

(13) The sum of the number of days of annual leave carried over under subsections (11) and (12) may not exceed 20.

PART 6

Transport

Requirements when travelling in a motor vehicle

33. A person travelling in a motor vehicle must comply with relevant health and safety guidelines.

Relevant health and safety guidelines for operating a ferry etc.

34. The person operating the following must ensure that all passengers and crew are in possession of a Safepass and that relevant health and safety guidelines are complied with—

- (a) a ferry,
- (b) an amateur fishing vessel, or
- (c) a vessel being used for the purpose of diving or other water sports.

PART 7

Health Professionals

Power to give instructions to doctors, surgeons and nurses

35.—(1) Any person authorised to practice medicine, surgery or nursing, by or under the Medical Practitioners Ordinance 1964(**a**) or the Nursing and Midwifery Ordinance 1964(**b**), must carry out such practice in accordance with any instructions given by the Chief Officer for the purposes of preventing the spread of COVID-19.

(2) Subsection (1) does not apply to—

- (a) any person who is employed by the Crown or an authorised service organisation as a medical practitioner, and
- (b) any person who is employed by the Crown or an authorised service organisation as a nurse or midwife.

(3) Instructions given under subsection (1) may relate to practice of the person outside the Areas.

(4) The functions of the Chief Officer under subsection (1) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(**c**).

(5) Despite any provision of the Medical Practitioners Ordinance 1964, any person may perform, in the Areas, any medical or surgical act which that person could perform in the Republic by virtue of paragraph 2.26 of the Quarantine (Determination of Measures of the Prevention of the Spread of Corona Virus COVID-19) Order (No. 2) of 2021 of the Republic(**d**).

(6) Despite any provision of the Nursing and Midwifery Ordinance 1964, any person may perform, in the Areas, any nursing act which that person could perform in the republic by virtue of paragraph 2.26 of the Quarantine (Determination of Measures of the Prevention of the Spread of Corona Virus COVID-19) Order (No. 2) of 2021 of the Republic.

PART 8

Enforcement

Offences and penalties

36.—(1) A person (“P”) commits an offence if—

- (a) P fails without reasonable excuse to comply with a restriction or requirement imposed by or under this Ordinance; or
- (b) P is in a place where a person is required to hold a Safepass or Safepass Plus and P fails to produce a Safepass or Safepass Plus when requested by the police or the person who owns or operates that place.

(2) Subject to subsection (4), any person contravening any of the restrictions or requirements imposed by or under this Ordinance is guilty of an offence and on conviction thereof is liable to imprisonment not exceeding six months or to a fine not exceeding €3000.

(3) If any offence under subsection (1) committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or

(a) Ordinance 10/1964

(b) Ordinance 20/1964

(c) Ordinance 17/2007

(d) PI 6/2021

- (b) to be attributable to any neglect on the part of such an officer,
- (c) the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(4) In the case of an offence consisting of a breach of an interim order imposed under section 37, the maximum fine to which the offender is liable is €20,000.

(5) In subsection (3), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Interim ex parte orders

37.—(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

38.—(1) 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 prison officer, or
- (c) both.

(2) For the purpose of preventing or protecting against the incidence of spread of COVID-19, an immigration officer may require a person detained under Part 5 of the Immigration Ordinance 2020 at a place approved by the Chief Officer under section 34(1) of that Ordinance to submit to—

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

PART 9

Final provisions

Repeals

39.—(1) The following Ordinances are repealed—

- (a) Protection of Public Health (COVID-19) Ordinance 2021(a).
- (b) Protection of Public Health (COVID-19) (Amendment) Ordinance 2021(b).
- (c) Protection of Public Health (COVID-19) (Amendment No.2) Ordinance 2021(c).

(a) Ordinance 02/2021
(b) Ordinance 05/2021
(c) Ordinance 07/2021

- (d) Protection of Public Health (COVID-19) (Amendment No.3) Ordinance 2021**(a)**.
- (e) Protection of Public Health (COVID-19) (Amendment No.4) Ordinance 2021**(b)**.
- (f) Protection of Public Health (COVID-19) (Amendment No.5) Ordinance 2021**(c)**.
- (g) Protection of Public Health (COVID-19) (Amendment No.6) Ordinance 2021**(d)**.
- (h) Protection of Public Health (COVID-19) (Amendment No.7) Ordinance 2021**(e)**.
- (i) Protection of Public Health (COVID-19) (Amendment No.8) Ordinance 2021**(f)**.
- (j) Protection of Public Health (COVID-19) (Amendment No.9) Ordinance 2021**(g)**.
- (k) Protection of Public Health (COVID-19) (Amendment No.10) Ordinance 2021**(h)**.
- (l) Protection of Public Health (COVID-19) (Amendment No.11) Ordinance 2021**(i)**.
- (m) Protection of Public Health (COVID-19) (Amendment No.12) Ordinance 2021**(j)**.
- (n) Protection of Public Health (COVID-19) (Amendment No.13) Ordinance 2021**(k)**.
- (o) Protection of Public Health (COVID-19) (Amendment No.14) Ordinance 2021**(l)**.
- (p) Protection of Public Health (COVID-19) (Amendment No.15) Ordinance 2021**(m)**.
- (q) Protection of Public Health (COVID-19) (Amendment No.16) Ordinance 2021**(n)**.
- (r) Protection of Public Health (COVID-19) (Amendment No.17) Ordinance 2021**(o)**.
- (s) Protection of Public Health (COVID-19) (Amendment No.18) Ordinance 2021**(p)**.
- (t) Protection of Public Health (COVID-19) (Amendment No.19) Ordinance 2021**(q)**.
- (u) Protection of Public Health (COVID-19) (Amendment No.20) Ordinance 2021**(r)**.
- (v) Protection of Public Health (COVID-19) (Amendment No.21) Ordinance 2021**(s)**.
- (w) Protection of Public Health (COVID-19) (Amendment No.22) Ordinance 2021**(t)**.
- (x) Protection of Public Health (COVID-19) (Amendment No.23) Ordinance 2021**(u)**.

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- (a)** Ordinance 08/2021
 - (b)** Ordinance 09/2021
 - (c)** Ordinance 10/2021
 - (d)** Ordinance 11/2021
 - (e)** Ordinance 14/2021
 - (f)** Ordinance 15/2021
 - (g)** Ordinance 16/2021
 - (h)** Ordinance 17/2021
 - (i)** Ordinance 18/2021
 - (j)** Ordinance 19/2021
 - (k)** Ordinance 20/2021
 - (l)** Ordinance 21/2021
 - (m)** Ordinance 22/2021
 - (n)** Ordinance 23/2021
 - (o)** Ordinance 24/2021
 - (p)** Ordinance 25/2021
 - (q)** Ordinance 26/2021
 - (r)** Ordinance 27/2021
 - (s)** Ordinance 29/2021
 - (t)** Ordinance 30/2021
 - (u)** Ordinance 31/2021

SCHEDULE

Section 9

Price Caps

Product Description	Maximum Wholesale Selling Price (including VAT) €	Maximum Retail Selling Price (including VAT) €
ANTISEPTICS		
Abyss Disinfectand Gel 100ml	2.62	3.55
Abyss Disinfectand Liquid 100ml	3.57	4.85
Activel Gel 80ml	2.21	2.95
Ane Medic - Antiseptic Gel 250ml	2.38	3.20
Ane Medic - Antiseptic Gel 300ml	2.82	3.50
Ane Medic - Antiseptic Gel 350ml	3.27	4.45
Ane Medic - Antiseptic Gel 1L	7.14	9.65
Aseptin 60ml Spray	5.88	8.05
Aseptin 300ml Spray	11.45	15.70
Aseptin 1L Spray (with pump)	21.42	28.90
Aseptin 1L Spray (without pump)	17.85	24.10
Bienclair – Antiseptic Spray 100ml	3.07	3.70
Bienclair – Antiseptic Spray 500ml	6.40	7.75
Biofresh Deep Cleansing Hand Gel 50ml	2.60	3.65
Champion Antiseptic Hand Gel 300ml	4.46	6.00
Champion Antiseptic Hand Gel 1L	8.33	11.25
Chem-Ist Antibacterial Hand Gel 135ml	2.38	3.50
Chem-Ist Antibacterial Hand Gel 500ml	5.95	8.00
Chem-Ist Antibacterial Hand Sterilizer 500ml	6.55	8.85
Chem-Ist Antibacterial Hand Sterilizer 1L	11.90	16.00
Conal Antibacterial Hand Sanitizer Gel 50ml	1.35	2.10
Conal Antibacterial Hand Sanitizer Gel 100ml	2.38	3.40
Conal Antibacterial Hand Sanitizer Gel 500ml	5.35	7.00
Conal Antibacterial Hand Sanitizer Spray 100ml	2.38	3.40
Conal Antibacterial Hand Sanitizer Spray 500ml	5.35	7.00
Cuticura Hand Gel - Floral 50ml	1.43	1.90
Cuticura Hand Gel - Mint 50ml	1.43	1.90
Cuticura Hand Gel - Mint 100ml	2.20	2.90
Cuticura Hand Gel - Mint 250ml	3.56	4.75
Dalon Alcohol Hand Gel 100ml	2.20	3.20
De Costa Antiseptic Gel 80ml	1.55	2.30
De Costa Antiseptic Gel 250ml (without pump)	3.00	4.50
De Costa Antiseptic Gel 250ml (with pump)	3.60	5.25
De Costa Antiseptic Gel 500ml (with pump)	5.40	7.95
De Costa Antiseptic Gel 1L	8.93	12.50
De Costa Ethyl Alcohol 70% Spray 75ml	2.40	3.55
De Costa Ethyl Alcohol 70% Spray 300ml	3.75	5.55
De Costa Ethyl Alcohol 96% Spray 75ml	3.05	4.50
De Costa Ethyl Alcohol 96% (with pump) 300ml	4.70	6.95
De Costa Ethyl Alcohol 96% (without pump) 300ml	2.70	4.00
De Costa Ethyl Alcohol 96% (with pump) 1L	11.31	15.85
De Costa Ethyl Alcohol 96% (without pump) 1L	9.52	13.35
Desderman Pure Gel 100ml	5.69	7.80
Desderman Pure Gel 500ml	8.15	11.15

Desderman Pure Gel 1L	13.92	19.05
Desderman Pure Liquid 100ml	5.69	7.80
Desderman Pure Liquid 500ml	7.97	10.95
Desderman Pure Liquid 1L	11.54	15.80
Dettol Hand Sanitizer Gel 50ml	2.78	3.75
Fami Sanitizing Hand Gel, 80ml	2.38	3.20
Fami Sanitizing Hand Gel, 1L	8.33	11.25
Greco Drug Ethyl Alcohol 70% 120ml	3.03	3.80
Greco Drug Ethyl Alcohol 70% 500ml	6.00	7.50
Just Rite Hand Gel (pump) 100ml	2.07	2.60
Just Rite Hand Gel (pump) 500ml	3.99	5.70
Just Rite Hand Sanit Gel 50ml	0.84	1.20
Just Rite Hand Sanit Gel 120ml	2.24	2.80
Just Rite Hand Sanit Gel 250ml	4.17	5.20
Kessler 85ml	2.38	3.30
Kessler 500ml	5.47	7.50
Kessler 1L	10.71	14.45
Medseptox Spray 100ml	6.66	9.00
Mister Brewer, denaturate alcohol (spray) 300ml	3.93	5.50
Mister Brewer, denaturate alcohol 350ml	3.99	5.50
Octiset 50ml	5.84	8.00
Octiset 250ml	11.45	15.45
Octiset 1L	19.43	26.25
Prime Solutions Hand Gel 100ml	3.33	4.50
Primo Antiseptic D40 60ml	2.38	3.30
Primo Antiseptic D40 250ml	4.76	6.55
Primo Antiseptic D40 500ml	7.14	8.95
Proseptic Spray 60ml	3.67	5.05
Proseptic Gel 200ml	5.00	6.96
Proseptic Gel 500ml	10.71	14.70
Reval plus 30ml	2.14	3.00
Reval plus with case 30ml	3.07	4.15
Reval plus natural 100ml	4.14	5.80
Reval plus natural 500ml	6.43	8.70
Reval plus Spray 1L	7.00	9.45
Rona Ross Antiseptic Gel 70ml	3.28	4.50
Rona Ross Antiseptic Gel 160ml	6.21	8.50
Sani Antiseptic Hand Sanitizer 300ml	3.57	5.00
Sani Antiseptic Hand Sanitizer 500ml	5.35	7.15
Sani Hand Gel 70% 500ml	5.35	7.15
Sani Hand Gel 72 300ml	4.46	5.95
Sani Hand Gel 72 500ml	8.33	10.95
Septtol Antibacterial Hand Gel 300ml	3.80	5.20
Sibon Hand Gel 70% 120ml	3.57	4.65
Sibon Hand Gel 70% 500ml	7.74	10.05
Silky Ethyl Alcohol 96% 75ml	3.57	4.65
Silky Hand Gel 70% 150ml	3.93	5.10
Silky Hand Gel 70% 300ml	5.95	7.80
Silky Hand Gel 70% 1L	9.52	12.40
SP Anticeptic Spray 70ml	5.87	7.90
Super Clean Spray 50ml	3.45	4.65
Super Clean Gel 100ml	2.86	3.85
Super Clean Gel 300ml	5.95	8.05
Super Clean Gel 500ml	7.38	9.95
Super Clean Gel 1L	13.09	17.65

Topline Hand Sanitizer Gel 300ml	4.58	6.00
Topline Hand Sanitizer Gel 500ml	5.36	7.20
Topline Hand Sanitizer Gel 1L	6.55	9.15
Total Care/ PK Eleven/ Silk/ ACD - Gel 60ml	1.79	2.50
Total Care/ PK Eleven/ Silk/ ACD - Gel 85ml	2.38	3.30
Total Care/ PK Eleven/ Silk/ ACD - Gel 100ml	2.80	3.80
Total Care/ PK Eleven/ Silk/ ACD - Gel 135ml	3.57	4.90
Total Care/ PK Eleven/ Silk/ ACD - Gel 150ml	4.34	5.60
Total Care/ PK Eleven/ Silk/ ACD - Gel 500ml	7.14	9.85
Total Care/ PK Eleven/ Silk/ ACD - Gel 600ml	8.33	11.50
Total Care/ PK Eleven/ Silk/ ACD - Gel 1L	13.09	18.00
Total Care/ PK Eleven/ Silk/ ACD - Liquid 1L	14.28	18.50
MASKS		
Simple Surgical Masks	0.62 per piece (31.00 / 50 pieces)	0.70 per piece (35.00 / 50 pieces)
THERMOMETERS		
Axillary thermometers	From 7.00 to 8.00	From 11.00 to 15.00

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Protection of Public Health (COVID-19) (No.2) 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. 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 purpose of the Ordinance is to mirror provisions in the Quarantine (Measures to Prevent the Spread of the Coronavirus COVID-19)(Order No.38) of 2021 of the Republic (PI 427/2021).

4. Section 3 (Application) provides that the requirements of this Ordinance do not apply to the extent that they would make it impossible to achieve, to a satisfactory standard, the purposes specified in subsection 3(2). These are military activities, or the prevention or detection of crime, or the apprehension or prosecution of offenders, by the Sovereign Base Areas Police Service or the Sovereign Base Areas Customs and Immigration Service. Section 3(3) provides that the Ordinance binds the Crown, except for its section 36, which concerns criminal offences.

5. Section 4 (Relevant health and safety guidelines) provides the health and safety requirements under which all undertakings must operate.

6. Section 5 (Masks) sets out the circumstances in which masks must be worn.

7.Section 6 (Safepasses) sets out the premises where people must be in possession of a Safepass, and section 7 (Safepasses in the workplace) sets out when employees are required to have a Safepass.

8. Section 8 (Leave entitlement to receive a COVID-19 vaccination) makes provision for a person to receive a day of leave on a day where they receive a vaccination for COVID-19 or on a day where they escort a child in their care to receive such a vaccination.

9. Section 9 (Price caps) provides the maximum prices that can be charged for certain products.

10. Section 10 (Mass events) prohibits mass events such as concerts and parades except where they are permitted under a provision of this Ordinance, where the Republic has issued guidelines for the event, or where the Chief Officer has granted permission for the event to take place.

11. Section 11 (Places of residence) restricts the maximum number of people permitted to be present in a place of residence to 20, except where the Chief Officer has granted permission for a wedding or christening to be held at the residence.

12. Section 12 (Religious worship) sets out the maximum number of persons permitted to be present at places of religious worship.

13. Section 13 (Weddings, funerals and christenings) provides for the conditions under which a wedding, funeral or christening may take place.

14. Section 14 (Conferences and trade fairs) provides the conditions under which a conference or trade fair may take place.

15. Section 15 (Folk festivals) provides the conditions under which a folk festival, held in a place adjacent to a place of worship may take place.

16.Section 16 (Number of persons permitted to enter public services or retail premises) provides the maximum number of persons permitted to be present on the premises providing public or retail services.

17.Section 17 (Signage) provides for the relevant signs that a retail business must display at their premises.

18. Section 18 (Catering establishments) provides the conditions under which catering premises may operate.

19. Section 19 (Nightclubs, reception halls, discos, music and dance venues etc) provides the maximum of people permitted to be present at these venues and the conditions under which the venues may operate.

20. Section 20 (Cinemas, theatres etc) provides the conditions under which cinemas, theatres, amphitheatres and similar venues may operate.

21. Section 21 (Sports facilities) provides the requirements for the operation of sports facilities, including the maximum number of spectators permitted at indoor and outdoor venues.

22. Section 22 (Open air markets) provides the conditions under which an open air market may operate.

23. Section 23 (Residential and support facilities) provides the conditions under which residential or support facilities for elderly or vulnerable people must operate.

24. Section 24 (Businesses requiring a Safepass plus) provides that business which choose to only admit persons in possession of a Safepass plus, must notify the Chief Officer and ensure that the requirements to enter the premises are clearly displayed.

25. Section 25 (Rent relief for businesses affected by prohibitions of their activities) provides for rent cancellation, or delays in payment, for businesses affected by the suspension of their operation by provisions of Ordinances designed to protect against the transmission of COVID-19.

26. Section 26 (Infected premises) sets out the actions to be taken if case of COVID-19 is discovered in the premises of a business or public authority

27. Section 27 (Visiting hospitals etc) sets out the restrictions in relation to visiting a person in a hospital.

28. Section 28 (Relevant undertakings) provides the conditions under which a range of undertakings, including salons, museums and betting establishments may operate.

29. Section 29 (Immigration centres) makes provision to prevent access to an immigration centre unless a person is in possession of a Safepass.

30. Section 30 (Courts) provides for how courts should operate in relation to COVID-19.

31. Section 31 (Prisons) provides that every person who enters a prison, other than a prisoner, must be either in possession of a Safepass or be less than 12 years old.

32. Section 32 (Community councils and municipality councils) provides for what employees of community councils and municipality councils are entitled to, and the obligations of employers.

33. Section 33 (requirements when travelling in a motor vehicle) requires any person travelling in a motor vehicle to comply with the relevant health and safety guidelines.

34. Section 34 (Relevant health and safety guidelines for operating a ferry etc) provides the conditions under which a person may operate a ferry or recreational boat.

35.Section 35 (Power to give instructions to doctors, surgeons, nurses) provides a power to allow the Chief Officer to instruct doctors, surgeons and nurses to carry out certain actions.

36. Section 36 (Offences and penalties) provides the offences and penalties associated with the failure to comply with any of the provisions of the Ordinance.

37. Section 37 (Interim ex parte orders) provides that an ex parte application can be made against a business that fails to comply with requirements under the Ordinance.

38. Section 38 (Detained persons) provides the COVID-19 testing requirements for persons who are detained by the police or customs officials.

39. Section 39 (Repeals) repeals various other ordinances which dealt with matters similar to the Ordinance.

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

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