

Ordinance 27 of 2022

Published in Gazette No. 2045 of 16 November 2022

**FIXED PENALTY (AMENDMENT) (NO. 2) ORDINANCE
2022**

An Ordinance to amend the Fixed Penalty Ordinance 2010.

PJM Squires OBE
ADMINISTRATOR

15 November 2022

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

Short title

1. This Ordinance may be cited as the Fixed Penalty (Amendment) (No. 2) Ordinance 2022.

Commencement

2. This Ordinance comes into force on 1 December 2022.

Amendment of the Fixed Penalty Ordinance 2010

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

(1) Ordinance 25/2010, as amended by Ordinances 11/2018, 12/2018, 4/2020, 5/2020, 13/2020, 41/2020, 2/2021, 3/2021, 33/2021 and 05/2022.

Amendment of section 4 (criminal proceedings and increase of fixed penalty after serving of notice)

4. In section 4 (criminal proceedings and increase of fixed penalty after serving of notice)—

- (a) in paragraph (a) for “30” substitute “45”,
- (b) in paragraph (b) for “15” substitute “30”,
- (c) in paragraph (c) for “30” substitute “45”.

Amendment of Schedule 1 (Offences falling solely within the jurisdiction of the SBA Police)

5.—(1) In Schedule 1, part 1 (offences under the Motor Vehicles and Road Traffic Regulations 2013) of the table—

- (a) in item 11 for “€25” substitute “€85”.
- (b) for item 32 substitute—

32	Parking within prescribed distances of a corner, traffic lights, or a road with a yellow line along the edge of the road	€100	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(5)(f) and (14)
32A	Parking within prescribed distances of a pedestrian crossing or bus stop	€150	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(5)(f) and (14)

- (c) in item 37 for “€85” substitute “€100”.
- (d) in item 40 for “€25” substitute “€85”.
- (e) in item 45 for “€85” substitute “€150 if the person had not breached the legislation to which this item applies during the three months immediately prior to the contravention, €300 otherwise”.
- (f) in item 47 for “€85” substitute “€200 if the person had not breached the legislation to which this item applies during the three months immediately prior to the contravention, €400 otherwise”.

(2) In Schedule 1, part 3 (other road traffic related offences) of the table—

- (a) in item 2 for “€85” substitute “€300”.
- (b) for item 4 substitute—

4	Driving a vehicle not fitted with seatbelts.	€150 if the person had not breached the legislation to which this item applies during the three months immediately prior to the contravention €300 otherwise	Motor Vehicles (Seat Belts and Restraint Systems) Ordinance 2007	Sections 4(1) and 10 (1)
4A	Failure of a driver to wear a seatbelt Failure of a	€150 if the person had not breached the legislation to which this item applies during the three months	Motor Vehicles (Seat Belts and Restraint Systems)	Sections 5(1) and 10(2).

	passenger to wear a seatbelt	immediately prior to the contravention €300 otherwise	Ordinance 2007	
4B	Failure of a passenger to wear a seatbelt in a vehicle of category M2 or M3 fitted to the seat in which the passenger is seated.	€150 if the person had not breached the legislation to which this item applies during the three months immediately prior to the contravention €300 otherwise	Motor Vehicles (Seat Belts and Restraint Systems) Ordinance 2007	Sections 6 and 10(2)
4C	Failure of driver or person in charge of vehicle to ensure a passenger wears a seatbelt or uses a child restraint system.	€150 if the person had not breached the legislation to which this item applies during the three months immediately prior to the contravention €300 otherwise	Motor Vehicles (Seat Belts and Restraint Systems) Ordinance 2007	Sections 5(1), (2) and (3), 6 and 10(3).

(c) after item 9, insert—

10	Driving with an expired driving licence	€50	Motor Vehicles and Road Traffic (Driver Licencing) Regulations 2009	Regulation 5(1), to the extent that it relates to a situation where the reason why the person drove without a valid driving licence was that a driving licence held by that person has expired, and (4)
11	Driving without holding a third-party insurance policy	€200	Motor Vehicles (Third Party Insurance) Ordinance 2001	Section 3(1) and (3)
12	Driving without holding a certificate of road worthiness for a bus or a heavy goods vehicle	€300	Motor Vehicles and Road Traffic Regulations 2013	Regulation 57(1), to the extent that it relates a bus or a motor vehicle used for the carriage of goods and

				having a maximum permissible mass exceeding 3,500k, (11) and (12)
13	Driving without holding a certificate of road worthiness for any vehicle to which item number 12 does not apply	€150	Motor Vehicles and Road Traffic Regulations 2013	Regulation 57(1), to the extent that it relates to vehicles to which item 12 does not apply, (11) and (12)
14	Driving a vehicle which has failed an inspection	€85	Motor Vehicles and Road Traffic Regulations 2013	Regulation 61(3) and (5)
15	Parking on a pavement or pedestrian road	€100	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(9)(d) and (14)
16	Failing to comply with traffic lights	€300	Motor Vehicles and Road Traffic Regulations 2013	Regulation 64(2) and (7)

Amendment of Schedule 2

6. In Schedule 2, in item 68, for “€59” substitute “€300”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Fixed Penalty (Amendment) (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. The amendments are intended to mirror fixed penalties set by the Republic of Cyprus.

3. Sections 3 to 6 amend the Fixed Penalty Notice Ordinance 2010 (“the principal Ordinance”).

4. Section 4 amends section 4 of the principal Ordinance. It increases the number of days before which proceedings can be instituted after service of notice. It also increases the number of days a person has to pay a fixed penalty notice before it increases by 50%.

5. Section 5 amends schedule 1 of the principal Ordinance. It increases fines for several offences and adds fixed penalties for various road traffic offences.

6. Section 6 amends schedule 2 of the principal Ordinance by increasing the fine for selling alcohol to minors.