

SOVEREIGN BASE AREAS OF AKROTIRI AND DHEKELIA

1960 No. 1369

The Sovereign Base Areas of Akrotiri and Dhekelia Order in Council, 1960

Made - - - - - 3rd August, 1960
Coming into Operation 16th August, 1960

At the Court at Buckingham Palace, the 3rd day of August, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers enabling Her in that behalf including subsection (1) of section 2 of the Cyprus Act, 1960(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Administrator

1.—(1) There shall be an Administrator of the Sovereign Base Areas who shall be a serving officer of Her Majesty's Forces.

(2) Appointments to the office of Administrator shall be made by Commission under Her Majesty's Sign Manual and Signet and a person appointed to the office shall hold the office during Her Majesty's pleasure.

(3) The Administrator shall have such powers and duties as are conferred upon him by or under this Order or any other law and such other powers and duties as Her Majesty may from time to time be pleased to assign to him, and subject to the provisions of this Order and of any other law by which such powers and duties are conferred, shall do or execute all things that belong to the office of Administrator according to such Instructions as Her Majesty may from time to time see fit to give him:

Provided that whether or not the Administrator has in any matter complied with such Instructions shall not be enquired into in any Court.

Succession to Government

2.—(1) Whenever the office of Administrator is vacant or the person holding the office of Administrator is absent from the Island of Cyprus or is from any other cause prevented from or incapable of discharging the functions of the office such person (being an officer of Her Majesty's Forces) as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State shall, during Her Majesty's pleasure, discharge the functions of the office and administer the government of the Sovereign Base Areas accordingly.

(2) Any such person as aforesaid shall not continue to administer the government of the Sovereign Base Areas after the person holding the office of Administrator or some other person having a prior right to administer the government has notified him that he is about to assume, or resume, the administration.

(3) For the purposes of this section a person holding the office of Administrator shall not be regarded as absent from the Island of Cyprus, or as prevented from or incapable of discharging the functions of the office of Administrator, at any time when there is a subsisting appointment of a Deputy under section 3 of this Order.

Appointment of Deputy

3.—(1) The Administrator may by Instrument under the Public Seal of the Sovereign Base Areas authorize any person in the Sovereign Base Areas who is named in the Instrument or any person for the time being holding, or performing the functions of such command or appointment in Her Majesty's Forces as may be specified in that Instrument to be his Deputy and in that capacity to discharge for him and on his behalf on such occasions and subject to such exceptions and conditions as may be specified in the Instrument such of the functions of the office of Administrator as may be so specified.

(2) The powers and authority of the Administrator shall not be affected by any authority given to a Deputy under subsection (1) of this section otherwise than as Her Majesty may at any time think proper to direct and every such Deputy shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of Administrator as the Administrator may from time to time address to him for his guidance.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by Her Majesty by Instructions given through a Secretary of State or by the Administrator.

(4) For the purpose of this section "the Administrator" means the person for the time being holding the office of the Administrator and includes any person for the time being administering the government of the Areas.

(5) In subsection (1) of this section the reference to the functions of the office of Administrator does not include a reference to any function conferred upon the Administrator by any Act of Parliament or by any Order of Her Majesty in Council or other Instrument made under any Act of Parliament other than this Order.

Administrator's power to make laws

4.—(1) The Administrator may make laws for the peace, order and good government of the Sovereign Base Areas.

(2) The power conferred upon the Administrator by subsection (1) of this section shall (without prejudice to its generality) include power to make laws (relating to persons or things either within or outside the Sovereign Base Areas):—

(a) for the purpose of giving effect to arrangements with the authorities of the Republic of Cyprus whereby those authorities are to exercise functions in the Sovereign Base Areas; and

(b) for keeping in custody in the Republic of Cyprus in pursuance of arrangements made with the said authorities:—

(i) any person (other than a citizen of the Republic of Cyprus) who in pursuance of any law for the time being in force in the Sovereign Base Areas is being removed from any place within those Areas to any place outside the Island of Cyprus; and

(ii) any person who in pursuance of any law for the time being in force in the Sovereign Base Areas is being moved from any place within those Areas to any other place therein.

(3) (a) Any law made by the Administrator may be disallowed by Her Majesty through a Secretary of State.

(b) Whenever any law has been disallowed by Her Majesty, the Administrator shall cause notice of such disallowance to be published in the Gazette and the law shall be annulled with effect from the publication of that notice.

(c) On the annulment of any law under this section any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made; but save as provided in the foregoing provisions of this paragraph the provisions of subsection (2) of section 38 of the Interpretation Act, 1889(a), shall apply to that annulment as they apply to the repeal of an act of Parliament.

Existing Law to continue to have effect

5.—(1) The existing law shall, save in so far as it is in its application to the Sovereign Base Areas or any part thereof repealed or amended by, or by virtue of, any law enacted under this Order continue to have effect, but shall be construed subject to such modifications and adaptations as may be necessary to bring it into conformity with the provision of this Order.

(2) In this section “existing law” means any law enacted by any authority established for the Island of Cyprus, any Instrument made under such a law, and any rule of law, which is in force in the Sovereign Base Areas or any part thereof immediately before the date of commencement of this Order or which, in the case of such a law or Instrument, has been made, but has not yet come into force, before that date.

Administrator's powers of pardon

6.—(1) Save as provided in subsection (2) of this section, the Administrator may, in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in any offence for which the offender may be tried in the Sovereign Base Areas or to any person convicted within those Areas of any offence, a pardon, either free or subject to lawful conditions; or

(b) grant to any person so convicted a respite, either indefinite or for a specified period, of the execution of any sentence passed on him in respect of the conviction; or

(c) substitute a less severe form of punishment for that imposed on any such person by any such sentence; or

(d) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty by reason of the conviction.

(2) The powers conferred upon the Administrator by this section shall not be exercisable in relation to any offence triable only by a court-martial or disciplinary court under the Naval Discipline Act, 1957(b), the Army Act, 1955(c), or the Air Force Act, 1955(d), or in relation to a person found guilty of an offence by any such court.

Offices for the Sovereign Base Areas

7.—(1) The Administrator, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Sovereign Base Areas as may lawfully be constituted by Her Majesty and may make appointments (including appointments on promotion and transfer to such offices.

(2) Any person appointed to any such office shall, unless it is otherwise provided by law, hold that office during Her Majesty's pleasure.

(a) 52 & 53 Vict. c. 63.
(c) 3 & 4 Eliz. 2. c. 18.

(b) 5 & 6 Eliz. 2. c. 53.
(d) 3 & 4 Eliz. 2. c. 19.

(3) Subject to the provisions of any law for the time being in force in the Sovereign Base Areas and to such Instructions as may from time to time be given to him by Her Majesty through a Secretary of State, the Administrator may, for cause shown to his satisfaction, dismiss or suspend from the exercise of his office any person holding any such office or take such other disciplinary action as may seem to him to be desirable.

Public Seal

8.—(1) The Administrator shall keep and use the Public Seal of the Sovereign Base Areas for sealing all things whatsoever that shall pass the said Seal.

(2) Until such time as a Public Seal has been provided for the Sovereign Base Areas and the Administrator has directed that that Seal shall be used any reference in this Order to the Public Seal shall be construed as a reference to such mark or stamp as may be approved by the Administrator for use as the Public Seal of the Sovereign Base Areas.

Interpretation

9.—(1) In this Order, unless it is otherwise expressly provided or required by the context—

“the Gazette” means the Official Gazette of the Sovereign Base Areas ;

“the Administrator” means the person for the time being holding the office of Administrator, and includes any person for the time being administering the government of the Sovereign Base Areas, and, to the extent to which a Deputy is authorized to discharge the functions of the office of Administrator, that Deputy ;

“the office of Administrator” means the office of Administrator of the Sovereign Base Areas ; and

“the Sovereign Base Areas” means the areas mentioned in subsection (1) of section 2 of the Cyprus Act, 1960.

(2) (a) Where, by or under this Order, a power is conferred upon Her Majesty or any other person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person is holding that office when that other person is on leave of absence pending relinquishment of that office.

(b) When two or more persons are holding an office by reason of any appointment made pursuant to paragraph (a) of this subsection, then for the purpose of any function conferred upon the holder of the office, the person last appointed shall be deemed to be the sole holder of the office.

(3) Save as in this Order otherwise provided, or required by the context, the Interpretation Act, 1889, shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Citation and commencement

10. This Order may be cited as the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council, 1960, and shall come into operation on the 16th day of August, 1960.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to explain its general purport.)

—This Order makes provision for the government of the Sovereign Base Areas of Akrotiri and Dhekelia.