



S U P P L E M E N T No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1390 of 13th September 2005
L E G I S L A T I O N

ORDINANCE 23 OF 2005

**AN ORDINANCE TO AMEND THE CROWN
PROCEEDINGS ORDINANCE 1966**

P. T. C. Pearson CBE
ADMINISTRATOR

12th September 2005.

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

1. This Ordinance may be cited as the Crown Proceedings (Amendment) Ordinance 2005. Short Title.

2. In this Ordinance the “principal Ordinance” means the Crown Proceedings Ordinance 1966. Definition
Ordinance 9 of
1966 as amended
by Ordinance 15
of 1988.

3. The definition of “Crown” contained in section 2 of the principal Ordinance is amended by inserting the words “except where Part VI applies” after the word “means”.

4. Section 31(1) is amended by inserting the words “Except where Part VI applies,” at the beginning of that subsection.

5. A new Part is inserted immediately after Part V as follows—

“PART VI
APPLICATION TO CROWN IN RIGHT OF HER
MAJESTY’S GOVERNMENT IN THE UNITED
KINGDOM

“ Application to Crown in right of Her Majesty’s Government in the United Kingdom.

32.—(1) Notwithstanding anything to the contrary contained elsewhere in this Ordinance, section 3, Parts III, IV, and V shall, so far as relevant, apply to and authorise civil proceedings to be taken against the Crown in right of Her Majesty’s Government in the United Kingdom where—

- (a) the Ordinance to be relied on in the proceedings as providing a cause of action expressly applies to the Crown in right of Her Majesty's Government in the United Kingdom; or
 - (b) the claim is one to which subsection (2) refers.
- (2) The claims to which subsection (1)(b) applies are—
- (a) a claim for damages for breach of a contract of employment or any other contract connected with employment;
 - (b) a claim for a sum due under such a contract;
- being in each case a claim—
- (i) that a court or tribunal in the Areas would under the law for the time being in force have jurisdiction to hear and determine an action in respect of the claim; and
 - (ii) brought by a person in the service of the Crown in right of Her Majesty's Government in the United Kingdom other than a person referred to in subsection (3).
- (3) Subsection (2) shall not apply in relation to —
- (a) a member of the armed forces of the Crown;
 - (b) a member of a Civilian Component as defined in paragraph 1(b) of section 1 of Annex C of the Treaty of Establishment; or
 - (c) a person enjoying the rights and facilities of a member of the armed forces of the Crown by virtue of paragraph 3 of section 9 of Part II of Annex B of the Treaty of Establishment, other than as a dependent.
- (4) For the purposes of this section, persons in the service of the Crown in right of Her Majesty's Government in the United Kingdom shall be treated as employees of the Crown in that capacity, whether or not they would otherwise be so treated apart from this subsection.”.

Commencement.

6. This Ordinance shall come into force on the date of its publication in the Gazette save that it shall not affect any proceedings by or against the Crown in right of Her Majesty's Government in the United Kingdom which may have been instituted before the commencement of this Ordinance.

12th September 2005
(128/420)

P. D. Draycott
Chief Officer.
