



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1470 of 14th August 2007
LEGISLATION

ORDINANCE 17 OF 2007

DELEGATION OF FUNCTIONS TO THE REPUBLIC ORDINANCE 2007

An Ordinance to provide for the delegation of powers and duties to officers of the Republic of Cyprus in or in relation to the Sovereign Base Areas

R. H. LACEY
ADMINISTRATOR

8th August 2007.

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

Part 1
Preliminary

1. Short title

This Ordinance may be cited as the Delegation of Functions to the Republic Ordinance 2007.

2. Interpretation

- (1) In this Ordinance “function” means a power or a duty, and a reference to a function:
 - (a) being “created” by a person or enactment is to be read as a reference to that power being conferred by, or that duty being imposed by, that person or enactment;
 - (b) being “placed on” a person is to be read as a reference to that power being conferred on, or that duty being imposed on, that person;
 - (c) being “carried out” is to be read as a reference—
 - (i) to that power being exercised or that duty being performed, or
 - (ii) to the doing of any act or thing which is permitted or required to be done in relation to the exercise of that power or the performance of that duty.
- (2) Expressions related to the creation, placing on, or carrying out of functions are to be construed accordingly.
- (3) In this Ordinance:
“correspond”, in relation to a provision, enactment or function of or in the Areas and

the Republic, means to have a similar or substantially similar effect in the respective territories;

“creating enactment” means an enactment of the Areas which creates a function;

“delegation” means the designation of a function as a delegated function in the circumstances set out in section 3(1), and related expressions are to be construed accordingly;

“enactment” means –

- (a) an Ordinance of the Areas,
- (b) a Law of the Republic; or
- (c) a Public Instrument made, issued or kept under the authority of such an Ordinance or Law;

“officer of the Areas” means a person, other than an officer of the Republic, on whom a function is placed by an enactment of the Areas;

“officer of the Republic” means a person on whom a function is placed by or under the law or custom of the Republic.

- (4) For the purpose of the definitions of “officer of the Areas” and “officer of the Republic” in subsection (3), it is irrelevant whether the person concerned is–
 - (a) a member of the public service of the Republic, the Areas, the United Kingdom or any other state or territory,
 - (b) an official body,
 - (c) an incorporated body, or
 - (d) any other person.

3. Definition of delegated function

- (1) In this Ordinance “delegated function” means a relevant function which is designated as a delegated function by or under its creating enactment, by reference to this Ordinance.
- (2) A relevant function is a function in or in relation to the Areas which:
 - (a) is placed by an enactment of the Areas–
 - (i) on an officer of the Areas, or
 - (ii) on some other person, but is required by or under its creating enactment to be treated for this purpose as if it was placed on an officer of the Areas; and
 - (b) corresponds to a function in or in relation to the Republic which is placed on an officer of the Republic by or under the law or custom of the Republic.
- (3) In this Ordinance and in any enactment which designates a function as a delegated function:
 - (a) “qualified delegated function” means a delegated function to which section 22 applies;
 - (b) “general delegated function” means a delegated function which is not a qualified delegated function;
 - (c) “modified delegated function” (whether or not used in combination with the term “qualified” or “general”) means a delegated function in respect of which a modification of the effects of this Ordinance is expressly imposed in the manner set out in section 5; and
 - (d) a reference to a “delegated function”, without more, covers any of the types of delegated function set out in paragraphs (a) to (c).

4. Interpretation of powers to enact Public Instruments

- (1) This section applies to a provision of an enactment of the Areas which–
 - (a) empowers an officer of the Areas to use a Public Instrument to create a function, and

- (b) came into force before the coming into force of this Ordinance.
- (2) Unless the contrary intention appears, a provision to which this section applies is to be read as additionally empowering the officer to use the Public Instrument to designate the function as a delegated function, but not as a modified delegated function.

5. Modification

Parts 2 and 3 apply to a delegated function subject to any modification of any kind expressly imposed on the delegation:

- (a) by the enactment creating the function; or
- (b) by any other enactment which–
 - (i) is made under the creating enactment, and
 - (ii) designates the function as a delegated function.

Part 2 Effects of delegation

6. Authority of an officer of the Republic

- (1) A delegated function may be lawfully carried out in the Areas, or elsewhere in relation to the Areas, by an officer of the Republic on whom the corresponding function is placed by or under the law or custom of the Republic.
- (2) Nothing in a delegation has the effect of entitling any officer of the Republic to carry out any function in or in relation to the Areas otherwise than in accordance with–
 - (a) this Ordinance,
 - (b) the terms under which the function is designated as delegated, and
 - (c) the enactment of the Areas under which he purports to act.
- (3) This Part is subject to Part 3.

7. Effect of carrying out of functions by officers of the Republic

- (1) A function carried out by an officer of the Republic, to whom it has been delegated, is of the same force and effect in all respects and for all purposes as if the function had been carried out by the officer of the Areas on whom that function is placed.
- (2) Sections 8, 9, 10 and 11 are without prejudice to the generality of this section.

8. Effect of instruments made by officers of the Republic

- (1) An instrument in writing may be made, given, varied or revoked by an officer of the Republic carrying out a delegated function in the same manner, to the same extent, on the same terms and conditions, and in all other respects as if, the officer of the Republic were the officer of the Areas on whom that function is placed.
- (2) For the purpose of this section, an “instrument in writing” includes an order, notice, direction, appointment, licence, permission or other similar instrument in writing, but does not include a Public Instrument.

9. Prescribed forms

- (1) A prescribed form requirement is a provision (however expressed) which:
 - (a) is imposed in relation to a delegated function by the enactment which created that function; and
 - (b) prescribes a form to be used for–
 - (i) an instrument in writing (as defined in section 8), or
 - (ii) an application form, report or other similar document to be given to a person carrying out a function.

- (2) A prescribed form requirement is to be treated for all purposes as fulfilled if the instrument to which it relates is made:
 - (a) in the form prescribed by or under the creating enactment;
 - (b) in such form as may be prescribed by the corresponding Republican enactment;
or
 - (c) if no such form is prescribed in the corresponding Republican enactment, in the form customarily in use in the Republic for the purpose in question.

10. Protection of officers of the Republic

- (1) A protective enactment applies to an officer of the Republic acting under a delegated function, and to any act of that officer while so acting, as if that officer were an officer of the Areas and as if that act were the act of an officer of the Areas.
- (2) A protective enactment is any enactment of the Areas which gives protection to an officer of the Areas against civil or criminal liability in respect of an act done in the course of performance of his duties or exercise of his powers.

11. Places where an officer of the Republic may carry out a delegated function

An officer of the Republic carrying out a delegated function in or in relation to the Areas may do so in the place:

- (a) in the Areas where that function may be carried out by an officer of the Areas;
or
- (b) in the Republic where, under the law or custom of the Republic, a corresponding function could have been carried out if—
 - (i) the Areas had formed part of the Republic and
 - (ii) those parts of the Areas which before 16th August 1960 lay within the districts of Limassol, Larnaca and Famagusta had after that date lain within the same respective districts of the Republic.

Part 3 Limits of delegation

12. Construing limits imposed in this Part

- (1) This Part limits any powers or duties which would otherwise have been placed on an officer of the Republic by virtue of a delegation.
- (2) Accordingly nothing in this Part is to be construed as implying that any of the powers or duties referred to would otherwise be placed on an officer of the Republic—
 - (a) under a particular delegation,
 - (b) by an authorisation under section 15(3), or
 - (c) by a permission under section 16(3)(a).

13. Carrying out of a delegated function by an officer of the Areas

- (1) The delegation of a function does not have the effect of abridging or in any other way affecting any entitlement of an officer of the Areas to carry out the delegated function, and accordingly the function may be carried out notwithstanding that an officer of the Republic may be entitled under the delegation to carry out the same function.
- (2) The carrying out of a delegated function by an officer of the Areas deprives any officer of the Republic of any right to carry out that delegated function for as long as, and in the respects in which, the officer of the Areas carries it out.
- (3) Subsection (2) does not apply if the officer of the Areas expressly authorises the officer of the Republic to carry out the function jointly with him.
- (4) Subsection (2) does not prevent an officer of the Areas assisting an officer of the Republic who is carrying out a delegated function.

14. Exempted property

- (1) The delegation of a function does not confer any power or impose any duty on any officer of the Republic in relation to any property (“exempted property”):
 - (a) owned or occupied by the Crown in any capacity, other than property which—
 - (i) is owned by the Crown in right only of its administration in the Areas, and
 - (ii) is not occupied or used, whether continuously or not, by the Crown in any capacity;
 - (b) owned or occupied by an authorised service organisation, as defined in the Treaty of Establishment; or
 - (c) designated as exempted property under subsection (2).
- (2) The Administrator may, by Order published in the Gazette, designate any property as exempt property for the purpose of subsection (1)(c).

15. Exempted matters

- (1) The delegation of a function does not confer any power or impose any duty on any officer of the Republic in relation to an exempt matter, except to the extent of any authorisation granted under subsection (3).
- (2) An exempted matter is:
 - (a) any act or omission—
 - (i) of any person engaged in the service of Her Majesty,
 - (ii) which is done in or arising out of or in the course of that service;
 - (b) any other act or omission occurring on property which is exempt property under section 14; or
 - (c) any other matter, if to carry out that function it would be necessary for the officer of the Republic to enter—
 - (i) any land occupied by the Crown in any capacity,
 - (ii) any land to which access is controlled or restricted by the Crown in any capacity, or
 - (iii) any premises situated within any land referred to in paragraph (ii).
- (3) The Chief Officer may, expressly and in writing, authorise an officer of the Republic to carry out, in relation to a matter exempted by subsection (2)(b) or (2)(c), a function which has been delegated to that officer.
- (4) The Chief Officer may impose restrictions and conditions on an authorisation granted under subsection (3), and the matter concerned is to be treated as exempted to the extent that any restriction or condition is not complied with or met.

16. Exempted entry rights

- (1) The delegation of a function does not confer any exempted entry right on any officer of the Republic, unless he has the required additional authorisation.
- (2) An exempted entry right is a power or a duty which:
 - (a) would, apart from this section, be conferred or imposed on an officer of the Republic by virtue of the delegation of a function; and
 - (b) would entitle or oblige that officer to enter—
 - (i) land which is exempt property, or
 - (ii) land or premises set out in section 15(2)(c).
- (3) The required additional authorisation is—
 - (a) the written permission of the Chief Officer to exercise the exempted entry right to enter the exempt property concerned, or

- (b) an authorisation granted under section 15(3) in respect of the land or premises concerned.
- (4) The Chief Officer may impose restrictions and conditions on an authorisation granted under subsection (3)(a), and the entry right concerned is to be treated as exempted to the extent that any restriction or condition is not complied with or met.
- (5) An officer of the Republic cannot rely on any required additional authorisation to exercise an exempted entry right unless he shows that authorisation on demand to any person controlling entry to the land or premises on behalf of the Crown.

17. Police and customs officers

The delegation of a function does not confer any power or impose any duty on any member of any police force or customs department of the Republic, by whatever name such a force or department may be known.

18. Criminal action

The delegation of a function does not confer any power or impose any duty to—

- (a) institute any proceedings for any offence,
- (b) impose any fixed penalty for any offence, or
- (c) compound any offence.

19. Making of Public Instruments

The delegation of a function does not confer any power or impose any duty which permits or requires the making of a Public Instrument of any kind.

20. Establishment of bodies

The delegation of a function does not confer any power or impose any duty in relation to any aspect of the function which:

- (a) permits or requires the establishment of a body (whether incorporated or not) for the purpose of carrying out any function under the delegation; or
- (b) permits or requires the establishment of a body (whether incorporated or not) for the purpose of providing assistance to any officer of the Republic in connection with any such delegated function; and
- (c) in either case creates any liability or duty in relation to the establishment, functioning or termination of such a body.

21. Temporary restriction of functions

- (1) The Chief Officer may, at any time and by giving notice, temporarily prohibit, restrict, or impose any condition on the carrying out of a delegated function by an officer of the Republic.
- (2) The Chief Officer may by notice revoke or vary a notice given under subsection (1).
- (3) A notice under subsection (1) or (2) must be in writing and must be given to at least one of—
 - (a) the officer of the Republic to whom the function is delegated, and
 - (b) the office of the Attorney-General of the Republic.
- (4) A notice under subsection (1) or (2) may name individual officers, specify job titles, or give descriptions of types of officers or circumstances to which it applies.
- (5) A restriction or condition under subsection (1) cannot give to the officer of the Republic concerned any greater powers than he would otherwise have.
- (6) A certificate under the hand of the Chief Officer that a notice has been given under subsection (1) or (2) is conclusive proof for all purposes that the notice has been duly given.

22. Qualified delegated functions

- (1) This section applies to a delegated function if the enactment delegating it does so by designating it as a qualified delegated function.

- (2) An officer of the Republic must not carry out a qualified delegated function unless he has first consulted the officer of the Areas on whom that function is placed.
- (3) The Administration may object to the carrying out of a qualified delegated function by an officer of the Republic, whether in that instance or generally, on the ground that it would be:
 - (a) detrimental to military requirements or security needs; or
 - (b) contrary to the declared policy of Her Majesty's Government for the administration of the Areas.
- (4) An officer of the Republic must not carry out a qualified delegated function if he is notified in writing by any officer of the Areas that the Administration objects to him carrying out that function.

Part 4 Miscellaneous and final

23. Legal proceedings

- (1) A court of the Areas may take judicial notice of a law of the Republic and of any other Republican document of any description granted or otherwise made under a law of the Republic, to the extent that that law or document is relevant to the carrying out of a delegated function.
- (2) For the purposes of this section, the production of a copy of any part of a Republican enactment –
 - (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic, or
 - (b) contained in an issue of the Official Gazette of the Republic, or
 - (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,
 is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawful making of that enactment.
- (3) For the purposes of this section, a version of any part of a Republican enactment in the English language–
 - (a) purporting to be produced by an authority of the Republic,
 - (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic,
 - (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose,
 - (d) stated orally in court or produced in writing by a Registrar or official court interpreter,
 may in any of those cases be held by the Court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question.
- (4) For the purposes of this section, the production of–
 - (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made, or
 - (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,
 may be held by the Court to be conclusive evidence for all purposes of the contents of such document.

24. Deemed delegations

- (1) A provision listed in schedule 1 is to be construed as including a provision designating,

as a general delegated function for the purposes of this Ordinance, any function which is placed by or under the listed provision on an officer of the Areas listed in respect of that provision.

- (2) A provision listed in schedule 2 is to be construed as including a provision designating, as a qualified delegated function for the purposes of this Ordinance, any function which is placed by or under the listed provision on an officer of the Areas listed in respect of that provision.
- (3) This section ceases to apply to a provision listed in schedule 1 or 2 if that provision is amended, after the coming into force of this Ordinance, to make express provision as to whether the function created by it is or is not designated as a delegated function.

25. Repeal

The Powers and Duties (Officers of the Republic of Cyprus) Ordinance 2002(a) is repealed.

26. Commencement

This Ordinance comes into force on the day on which it is published in the Gazette.

Schedules/...

SCHEDULE 1

(section 24(1))

Deemed general delegated functions

**Part 1
Ordinances**

Column 1	Column 2	Column 3	Column 4
Short title of Ordinance	Reference	Provisions (The numbers are those of sections unless otherwise indicated)	Officers of the Areas
Accidents and Occupational Diseases (Notification) Ordinance	Cap 176(b)	3, 5(1) and (3) and 6	Chief Officer Inspector
Administration of Estates Ordinance	Cap 189	6 and 7	Fiscal Officer
Adoption Ordinance	Cap 274	20	Administrator Chief Officer
Akrotiri Community Ordinance 2001	Ordinance 23/01	9A, 10, 11(1), 13(2), 14, 15, 21(1) and (3), 22(1), (2) and (3), 23(b), 33, 44, 45(2), 48, 51, 80, 83, 87(1), 89, 98, 101, 103, 108, 119(a), (g) and (q), 144 (save where the original decision was made with the approval of the Area Officer), 147	Chief Officer Area Officer Akrotiri
Annual Holidays with Pay Ordinance 1973	Ordinance 10/73	10 and 11	Administrator Chief Officer
Antiquities Ordinance 1975	Ordinance 12/75	4, 8(1), (2), (3) and (4), 10, 13, 14, 15, 16, 23, 27 and 28	Administrator Chief Officer Area Officer
Apiculture Ordinance 2003	Ordinance 24/03	3(2) 5(1)	Chief Officer Chief Officer
Asbestos (Health and Safety of Persons at Work) Ordinance 2002	Ordinance 2/02	8 and 9	Chief Officer Inspector
Assessment and Collection of Taxes Ordinance 2003	Ordinance 30/03	All relevant sections	Administrator Fiscal Officer
Burials Ordinance	Cap 247	7, 12, 14 and 18(2)	Area Officer
Capital Gains Tax Ordinance 1980	Ordinance 2/06	All relevant sections except section 28	Fiscal Officer
Cement Industry (Encouragement and Control) Ordinance	Cap 130	All relevant sections except section 19	Administrator Area Officer
Centres for the Protection and Occupation of Children Ordinance 1997	Ordinance 4/97	All relevant sections except sections 8(2), 9, 10 and 11	Chief Officer
Charities Ordinance	Cap 41	2, 4, 5, 7, 10, 11 and 14	Administrator Chief Officer Attorney General and Legal Adviser
Children Ordinance	Cap 352	All relevant sections except sections 14, 15(3) and 2	Chief Officer
Cinematograph Films Ordinance	Cap 43	All relevant sections except sections 10, 12 and 13	Administrator Chief Officer
Civil Procedure Ordinance	Cap 6	5(5), 25, 27, 29, 60, 64, 66, 67, 68, 69(2), 92, 99 and 100,	Chief Officer

Consumer Protection (Contracts by Mail Order, Telephone, Computer Etc.) Ordinance 2001	Ordinance 25/01	2, 16 and 19	Chief Officer
Consumer Protection (Doorstep Selling and Other Contracts Made Off Trade Premises) Ordinance 2001	Ordinance 17/01	2, 13 and 16	Chief Officer
Control of Atmospheric Pollution Ordinance 1998	Ordinance 6/98	All relevant sections except sections 3, 6, 7, 10, 12, 18, 19, 23, 24, 25, 26, 27 and 28	Chief Officer Chief Inspector Inspector
Control of Misleading and Comparative Advertisements Ordinance 2002	Ordinance 30/02	6(1), (2) and (3), 7(1) and (2) and 10(1), (2), (4), (5), (6) and (8)	Chief Officer
Control of Water Pollution Ordinance 2005	Ordinance 1/05	8, 9 (except subsection (4)), 10, 11, 12, 13, 14, 15, 16, 19 (except subsection (4)), 20 (except subsection (2)), 21, 22, 23 (except subsection (2)), 24, 25 (except subsection (2)), 28, 30 and 31	Chief Officer Chief Inspector Inspector
Co-operative Societies Ordinance	Cap 114	All relevant sections except section 54	Administrator Chief Officer
Criminal Procedure Ordinance	Cap 155	45	Registrar Head of the Community (Mukhtar)
Debtors (Postponement of Sales of Immovable Property) Ordinance 1974	Ordinance 1/74	3, 4, 5, 6 and 8	Area Officer
Debtors Relief (Temporary Provisions) Ordinance 1984	Ordinance 3/84	5A	Chief Officer Establishment Officer
Disabled Persons Ordinance 2002	Ordinance 18/02	10 and 11	Chief Officer
Domestic Servants (Employment of Children and Young Persons) Ordinance	Cap 179	All relevant sections	Chief Officer Area Officer Inspector
Electricity Ordinance	Cap 170	31	Administrator Area Officer
Employers Liability (Compulsory Insurance) Ordinance 1999	Ordinance 1/99	15(1)(b), 16,	Chief Officer
Employment (Fixed Terms) Ordinance 2004	Ordinance 39/04	10	Chief Officer
Employment Rights (Insolvency of Employer) Ordinance 2003	Ordinance 1/03	Proviso to section 3(1)	Chief Officer
Employment Rights (Particulars of Employment) Ordinance 2001	Ordinance 7/01	11	Chief Officer
Employment Rights (Part-time Employees) Ordinance 2002	Ordinance 25/02	6(3) and (4), 10(1) and (3) and 13	Chief Officer
Encumbrances and Prohibitions (Temporary Provisions) Ordinance 1977	Ordinance 12/77	3, 4, 5, 6 and 7	Chief Officer Area Officer
Environmental Impact Assessment Ordinance 2003	Ordinance 11/03	6(7) 4(1), (3) and (4), 6(6)(b)(i), (7) and (8), 7, 8(6) and (7) and 10(5)(a)	Administrator Chief Officer
Equal Pay Ordinance 2004	Ordinance 26/04	7, 10, 11, 12, 13, 14, 15, 16, 17, 24	Chief Officer Inspector

Equal Treatment Ordinance 2004	Ordinance 22/04	8(3), 15, 20B(2), 21, 23, 24, 25, 26, 27, 30	Chief Officer Inspector
Estate Duty Ordinance 1965	Ordinance 6/65	2 to 44, 48 to 80 and 82	Administrator Fiscal Officer (as Commissioner)
Factories Ordinance	Cap 134	All relevant sections except section 55	Administrator Chief Officer
Fishing Shelters Ordinance 1993	Ordinance 19/93	All relevant sections except sections 3, 4 and 6	Fiscal Officer
Foreshore Protection Ordinance 1975	Ordinance 9/75	3(5) and 8	Area Officer
Forest Ordinance 1980	Ordinance 14/80	7, 10, 11(2) and 11(3), 14(2), 15, 19 and 29	Chief Officer
Genetically Modified Organisms Ordinance 2006	Ordinance 10/06	5(1), 5(3), 6(4), 7(1), 7(2), 12(2), 12(3), 13(1)(b), 13(2), 14(1), 14(2), 21(2), 21(3), 21(4), 22, 25, 26(2), 27(1), 28(2), 32, 33, 36, 8, 9, 12(1), 21(1), 23(4), 31, 36, 11(1), 11(4), 20(1), 20(2), 23(2), 23(3), 30, 36	Chief Officer
Health and Safety at Work Ordinance 1999	Ordinance 6/99	All relevant sections except sections 5, 6, 12, 38, 39, 42(2) and 49	Chief Officer Chief Inspector Inspector
Hire Purchase, Credit Sale and Hiring of Property (Control) Ordinance 1966	Ordinance 13/66	9	Fiscal Officer
Hours of Employment Ordinance	Cap 182	4 and 5	Chief Officer Inspector
Household Appliances (Indication of the Consumption of Energy and Other Essential Resources) Ordinance 2002	Ordinance 14/02	Section 13	Chief Officer
Immovable Property (Taxation) Ordinance 1980	Ordinance 17/80	All relevant sections except sections 5(3) and 21	Fiscal Officer
Immovable Property (Transfer and Mortgage) Ordinance 1966	Ordinance 16/66	All relevant sections except sections 45 and 55	Chief Officer Area Officer
Income Tax Ordinance 2003	Ordinance 29/03	All relevant sections	Administrator Fiscal Officer
Irrigation Divisions (Villages) Ordinance	Cap 342	All relevant sections	Administrator Fiscal Officer Area Officer
Irrigation (Private Water) Associations Ordinance	Cap 115	All relevant sections	Area Officer
Lands and Surveys (Fees and Charges) Ordinance 1971	Ordinance 8/71	3 (other than the first proviso), 4, 5, 9 and the Schedule	Chief Officer
Mass Dismissals Ordinance 2003	Ordinance 3/03	5(2), 6, 7, 8 and 9	Chief Officer
Mines and Quarries (Regulation) Ordinance	Cap 270	9(1), 9(2) 40	Administrator Inspector of Mines
Mortgage of Immovable Property (Temporary Provisions) Ordinance 1978	Ordinance 1/78	3, 5, 6, 7 and 8	Chief Officer
Old Peoples and Incapacitated Persons Homes Ordinance 1996	Ordinance 9/96	4, 6, 7, 8, 9 and 12	Chief Officer
Organisation of Working Time Ordinance 2003	Ordinance 5/03	7(4) (d) and (e), 12 and 20	Chief Officer

Paramali (Village Commission) (Election, Constitution and Powers) Ordinance 1989	Ordinance 8/89	All relevant sections	Chief Officer Area Officer
Parental Leave and Leave on Grounds of Force Majeure Ordinance 2002	Ordinance 39/02	11(1) and (2) 18	Chief Officer Chief Officer
Partnership and Business Names Ordinance	Cap 116	50-63 inclusive	Chief Officer
Petroleum Ordinance 1976	Ordinance 1/76	3, 4 and 7	Chief Officer
Pharmacy and Poisons Ordinance 1964	Ordinance 23/64	5(1) and (2), proviso to 6(1), 9(2), (4) and (5), 10(1), 11(2), 12, 16(2) and (3), 20(2), (3), (4), (5), (6) and (7), 22, 23(1) and (2), 24, 25, 26(1) and 36(1)	Chief Officer
Places of Entertainment Ordinance 1999	Ordinance 2/99	All relevant sections except sections 10(6), 15, 16, 17 and 23	Chief Officer
Pool Betting (Regulation and Duty) Ordinance 2005	Ordinance 11/05	4(2)(b), 4(3), 6(a), 6(b), 7(1), 7(3), 8(1-4), 8(6)	Chief Officer
Post Office Ordinance	Cap 303	All relevant sections except sections 19(2) and 20	Administrator Chief Officer
Promotion of Renewable Sources of Energy and Conservation of Energy Ordinance 2004	Ordinance 6/04	3(2) and 5(6)	Chief Officer
Protection of Young Persons at Work Ordinance 2002	Ordinance 15/02	7(1) and (3), 20(5), 24 and 25	Chief Officer Chief Inspector Inspector
Public Roads Ordinance	Cap 83	4 and 9	Area Officer
Quality of Water Intended for Human Consumption Ordinance 2002	Ordinance 22/02	3(3), 4(3), (4) and (5), 6(2), 8, 9, 10, 11(2), 12(1), 13, 14, 15, 16, Note 3 to Part B of Schedule 1, Note 10 to Part C of Schedule 1, paragraph 2 in Table A in Schedule II, Notes 2 and 3 to Table B1 in Schedule II and paragraph 1(2) in Schedule III	Chief Officer Chief Inspector Inspector
Rural Constables Ordinance	Cap 287	6, 7(1), 8(5) – 11 inclusive, 12(1) and (6), 15(1), 17, 21(b), 24(2), 26(1), 33(2), 38, 40, 44(1), 45 and 47	Area Officer
Safety of Consumer Goods Ordinance 2000	Ordinance 22/00	5(1), 7, 9, 10(1), 11, 12 and 14	Chief Officer
Sale of Consumer Goods (Conformity with Contracts and Guarantees) Ordinance 2001	Ordinance 12/01	9 and 12	Chief Officer
Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 1980	Ordinance 16/80	16, 19, 21, 23 and 25	Chief Officer
Stamp Ordinance 1964	Ordinance 13/64	3 to 60, 62 and 63	Fiscal Officer
Standards and Control of Quality Ordinance 1984	Ordinance 4/84	6	Area Officer
Statistics Ordinance 1968	Ordinance 20/68	5, 6, 7, 9 and 11	Administrator Fiscal Officer
Tax Collection Ordinance 1964	Ordinance 8/64	3, 5, 6, 7, 9 and 12	Chief Officer Fiscal Officer
Termination of Employment (Consolidation) Ordinance 1980	Ordinance 5/80	18, 20, 21, 28, 35, 36 and 39	Administrator Chief Officer Inspector

Trade Descriptions Ordinance 1988	Ordinance 2/88	23	Chief Officer
Trade Marks Ordinance	Cap 268	All relevant sections except sections 38 and 39	Chief Officer
Transfer of Immovable Property (Dhekelia Sovereign Base Area) (Temporary Provisions) Ordinance 1975	Ordinance 11/75	3, 5, 6, 7 and 8	Chief Officer
Value Added Tax Ordinance 2001	Ordinance 10/01	4(2) and (3), 6(3), 9(6) and (8), 19(6)(d), 20(3), (4), (5) and (6), 21(3)(c), 24, 25(6), (8), (9) and (10), 27(2), 28(2)(b), 30(3), 31(2), 32(5), (6), (7), (8) and (9), 33, 34(2), 36(4), 37(1), (2), (4), (7) and (8), 38(1)(b), 40(8)(b), 42, 44(1) and (3), 45(2), (3), (4), (5) and (8), 49(1), (2), (4), (5), (6) and (7), 50(3) and (4), 51(1), (2), (3), (5) and (7), 52, 53(4), (5) and (6), paragraphs 1(3), 2(1), (2), (4), (7)(a) and (8), 3, 4(1) and (2), 5(1) and (2), 6, 7, 8, 9, 10(1), 11, 12 and 13 of the First Schedule, paragraph 6(2) of the Second Schedule, paragraphs 1(1) and 9 of the Fourth Schedule and paragraphs 1(2) and (3)(a), 2(2), 3, 5(3), (4) and (5), 6(1), (2)(a) and (8) and 10(1) and (2) of the Tenth Schedule Paragraphs 6(2)(b), (3), (5), (6) and (7), 7 and 8(1) and (2) of the Tenth Schedule	Chief Officer Commissioner (or Commissioner of Value Added Tax) or Fiscal Officer) Authorised person
Village Obligations Ordinance	Cap 246	All relevant sections	Administrator Area Officer
Vine-Growing and Vineyards (Survey and Registration) Ordinance 1964	Ordinance 6/64	3, 4, 5 and 6	Administrator Chief Officer
Violence In the Family Ordinance 2003	Ordinance 21/03	6(1) and (2)(h) 6(5), (7) and (8), 21 and 22 (except where in any case the alleged offender or victim is a relevant person as defined by section 6(9) of the Ordinance)	Chief Officer
Water Supply (Special Measures) Ordinance 1964	Ordinance 14/64	5(1), 5(3), 5(4), 6, 7(1) and 7(2)	Chief Officer Area Officer
Weights and Measures Ordinance 1986	Ordinance 11/86	17, 18, 23, 24, 25(2), 26(1), 29, 33, 34, 38, 41, 42, 45, 48 and 52	Administrator Chief Officer

Part 2

Public Instruments

Column 1	Column 2	Column 3	Column 4
Short title of Public Instrument	Reference	Number or letter of regulation, paragraph, rule or bye-law (as appropriate)	Officers of the Areas
Adoption Rules 1954	Col Sub Leg 707/54	All relevant rules	Chief Officer
Annual Holidays with Pay Regulations 1980	PI 101/80	6, 7, 8, 9 and 11	Chief Officer
Antiquities Regulations	Col Sub Leg 1954 Rev Ed Vol 1 p45	All relevant regulations	Administrator Area Officer
Asbestos (Health and Safety of Persons at Work) Regulations 2002	PI 27/02	Regulations 18, 23, 25(2) and 28	Chief Officer Chief Inspector
Cinematograph Films (Censorship) Regulations 1953	Col Sub Leg 583/53	All relevant regulations	Chief Officer
Control of Atmospheric Pollution (Application for Registration of an Industrial Process) Order 1999	PI 46/99	All relevant paragraphs	Chief Officer
Control of Atmospheric Pollution (Miscellaneous Provisions) Regulations 1999	PI 45/99	All relevant regulations except regulations 8, 9, 10(4), 10(5), 11, 12 and 13	Chief Officer
Control of Atmospheric Pollution (Notification of Chimney) Order 1999	PI 47/99	All relevant paragraphs	Chief Officer
Control of Atmospheric Pollution (Registrable Industrial Processes) Regulations 1999	PI 44/99	All relevant regulations	Chief Officer
Control of Water Pollution (Application for a Permit to Discharge Waste) Order 1999	PI 51/99	All relevant paragraphs	Chief Officer
Control of Water Pollution (Exemptions and Prohibitions) Regulations 1999	PI 49/99	All relevant regulations except regulations 4 and 5	Chief Officer
Control of Water Pollution (Measures for the Protection of Underground Waters) Regulations 1999	PI 48/99	All relevant regulations	Chief Officer
Control of Water Pollution (Register) Regulations 1999	PI 50/99	All relevant regulations	Chief Officer
Co-operative Societies Rules	Col Sub Leg 1954 Rev Ed Vol 1, p426	All relevant rules	Chief Officer
Domestic Servants (Employment of Children and Young Persons) Regulations	Col Sub Leg 1954 Rev Ed Vol 1, p538	All relevant regulations	Chief Officer
Employees at Places of Entertainment (Terms of Employment) Regulations 2003	PI 72/03	2(6) 14	Chief Officer Area Officer
Evcaf (Gratuities) Regulations	Col Sub Leg 1954 Rev Ed Vol 1, p562	All relevant regulations	Chief Officer
Evcaf (Mohammedan Religious Property Administration) Regulations	Col Sub Leg 1954 Rev Ed Vol 1, p560	All relevant regulations	Chief Officer

Factories (Cleaning and Repairing of Sacks) (Welfare) Regulations	Col Sub Leg 32/58	3	Chief Officer
Fisheries Regulations 1991	PI 41/91	3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22	Fiscal Officer
Fishing Shelters (Rates and Fees) Regulations	PI 32/99	All relevant regulations	Fiscal Officer
Fishing Shelters (Regulation, Management and Operation) Regulations 1999	PI 33/99	All relevant regulations except regulations 14 and 15	Fiscal Officer
Forest Regulations 1980	PI 53/80	2, 3, 5, 6, 7(4), 8, 10, 12 and 18	Chief Officer
Health and Safety at Work (Protection of Employees from Noise) Regulations 2003	PI 24/03	10	Chief Officer
Hire Purchase and Credit Sale (Movable Property) (Control) Order 1967	PI 14/67	4	Fiscal Officer
Immovable Property (Provision of Access) Regulations 1967	PI 33/67	4, 5, 6, 7, 8 and 9	Chief Officer
Immovable Property (Tenure, Registration and Valuation) Rules	Col Sub Leg 622/56	All relevant rules	Chief Officer
Income Tax (Conditions of Exemption) Order	Col Sub Leg 1954 Rev Ed Vol 1, p679	All relevant paragraphs	Fiscal Officer
Land Registry (Agricultural Bank) Regulations	Col Sub Leg 1954 Rev Ed Vol 1 p355	All relevant regulations	Chief Officer
Old People's and Incapacitated Persons Homes Regulations	PI 53/01	All relevant regulations	Chief Officer
Partnership Rules	Col Sub Leg 1954 Rev Ed Vol 2, p458	All relevant rules	Chief Officer
Patents Rules 1958	Col Sub Leg 672/58	All relevant rules	Chief Officer
Petroleum Regulations	Col Sub Leg 1954 Rev Ed Vol 1 p200	All relevant regulations	Chief Officer Area Officer
Pharmacy and Poisons Regulations 1968	PI 13/68	All relevant regulations	Chief Officer
Places of Entertainment Regulations 1999	PI 75/99	All relevant regulations	Chief Officer
Pool Betting (General) Regulations 2005	PI 55/05	All relevant regulations	Chief Officer
Post Office (Collection of Trade charges on Postal Packets) (Parcels) Regulations	Col Sub Leg 1954 Rev Ed Vol 1, p610	All relevant regulations	Chief Officer
Post Office (Insurance of Letters, Boxes and Parcels) Regulations	Col Sub Leg 1954 Rev Ed Vol 1, p612	All relevant regulations	Chief Officer
Safety of Consumer Goods (Children's Toys) Regulations 2001	PI 77/01	8 and 9	Chief Officer
Safety of Low Voltage Electrical Equipment Regulations 2001	PI 76/01	7(2)	Chief Officer
Social Insurance (Contributions) (Special) Regulations 1980	PI 68/80	All relevant regulations	Chief Officer
Social Insurance (Contributions) Regulations 1980	PI 67/80	All relevant regulations	Chief Officer
Value Added Tax (General) Regulations 2002	PI 6/02	All relevant regulations	Commissioner Proper officer

Value Added Tax (Objections) Regulations 2002	PI 12/02	All relevant regulations	Chief Officer Commissioner
Value Added Tax (Reliefs for Imported Goods) Regulations 2002	PI 8/2002	All relevant regulations	Commissioner
Value Added Tax (Reliefs for International Organisations and Diplomatic Missions) Regulations 2002	PI 9/02	All relevant regulations	Commissioner
Value Added Tax (Reliefs Under the Treaty of Establishment) Regulations 2002	PI 10/02	All relevant regulations	Commissioner
Value Added Tax (Special Provisions) Regulations 2002	PI 7/02	All relevant regulations	Commissioner
Water Supply (Special Measures) Regulations 1966	PI 50/66	2, 4, 5, 7, 8, 9, 10, 11, 12, 13 and 14	Chief Officer Area Officer

SCHEDULE 2**(section 24(2))****Deemed qualified delegated functions****Part 1
Ordinances**

Column 1 Short title of Ordinance	Column 2 Reference	Column 3 Sections	Column 4 Officers of the Areas
Clubs Registration Ordinance	Cap 112	4, 5, 6, 7, 9, 10, 11, 12, 13, 16 and 18	Area Officer
Display of Advertisements (Control) Ordinance	Cap 50	6, 9 and 10	Area Officer
Fish Farming Ordinance 2001	Ordinance 18/01	3, 4, 6 to 16 inclusive, 20, 22 and 24	Fiscal Officer
Forest Ordinance 1980	Ordinance 14/80	23	Chief Officer
Immovable Property (Tenure, Registration and Valuation) Ordinance	Cap 224	3, 10, 11, 12, 14, 15, 18, 24, 25, 27(1)(d), 28-34 inclusive, 36-38 inclusive, 40-67 inclusive, 70-75 inclusive, 78-80 inclusive and 82-84 inclusive	Chief Officer
Mines and Quarries (Regulation) Ordinance	Cap 270	16, 17, 20(2), 22, 23, 24, 25, 27, 28, 30, 33, 34(2), 35, 38(1) 13, 18, 19, 39 and 41	Administrator Chief Officer Area Officer Administrator
Pool Betting (Regulation and Duty) Ordinance 2005	Ordinance 11/05	3(3), 3(7), 3(8), 13(1), 13(2)	Chief Officer
Public Waterworks Ordinance (previously titled the Government Waterworks Ordinance)	Cap 341	3, 4 (except for paragraph (c)), 5A, 9, 10, 13(1), 16, 16A, 23 (except the second paragraph), 26	Administrator Chief Officer Area Officer
Streets and Buildings Regulation (Consolidation) Ordinance 1984	Ordinance 7/84	3, 4(1A), 9, 9A, 10, 11, 13 and 18	Chief Officer Area Officer
Street and House to House Collections Ordinance	Cap 95	3	Area Officer
Wells Ordinance	Cap 351	3(1), 3(3), 6(1), 6(3), 6(4) and 13	Area Officer Chief Officer

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. These explanatory notes relate to the Delegation of Functions to the Republic Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

General effect

3. The Delegation of Functions to the Republic Ordinance 2007 provides for the delegation of powers and duties created by SBA legislation, so that officials of the Republic of Cyprus who carry out certain functions in the Republic can carry out the equivalent functions in the SBAs under SBA law. It allows standard provisions to be used (and modified if appropriate) in those delegations.

4. This Ordinance is an updated version of, and replaces, the Powers and Duties (Officers of the Republic of Cyprus) Ordinance 2002 (12/02). Predecessors of the 2002 Ordinance have been in force since the creation of the Sovereign Base Areas in 1960. The legislation is part of the mechanism for fulfilling the declaration of intention in paragraph 3(4) of the Declaration attached to the 1960 Exchange of Notes known as “Appendix O”, that, subject to UK military requirements and security needs, the “Republic will be invited to provide a wide range of public services to be performed for Cypriots in the Sovereign Base Areas ...”.

5. This Ordinance does not generally make substantive changes to the effects and key principles of delegation (and it consolidates existing delegations). So for example: delegated functions are carried out under SBA law not under Republican law (even where a Republican prescribed form is used which quotes Republican law, under section 9); Republican officials have the same protection as SBA officials when carrying out functions; delegations can be revoked, suspended, or made conditional; and criminal proceedings under SBA law can only be started by SBA officials in the SBA courts.

6. The main change is to allow for future delegations to be made in or under the Ordinance which they affect, rather than by an amendment to a Public Instrument under the delegation legislation.

- a. Under the Powers and Duties legislation, the user of a particular Ordinance was not made aware by that Ordinance of the need to check for whether any delegations had been made to Republican officials for any of the powers or duties it created. The user has to be already aware of the requirement to check the Orders made under the Powers and Duties (Officers of the Republic of Cyprus) Ordinance. The Delegation of Functions to the Republic Ordinance 2007 allows future delegations to be made by an express reference to this Ordinance in the affected Ordinance, or in a Public Instrument made under it.
- b. Users can therefore find subsequent delegations relevant to the SBA legislation in which they have an interest, without having to know beforehand that there is a scheme of delegation not mentioned in the Ordinance or Public Instrument (“PI”) they are looking at. However, for delegations already made before this Ordinance, the schedules preserve the effect, and users will still need to check this schedule when using enactments which do not make express reference to delegation. When enactments are amended in future, and express reference is inserted, the schedule listing for that enactment will cease to apply (see section 24(3)).

7. This Ordinance brings its delegations more into line with other delegations in SBA law. Since 2003, the Powers and Duties legislation was not the only SBA legislation under which powers were delegated to Republican officials. The Adopted Instruments Ordinance 2003 (15/03) allowed some Republican public instruments to be adopted as SBA law, and provided for a scheme of delegation of functions which was broadly similar to Powers and Duties but different in some respects. It was followed by other Ordinances which adopt particular Republican Laws as SBA law, such as the Education Provisions Ordinance 2005 (9/05), the European Community (Specified Measures) Ordinance 2005 (24/05), the Land Surveying Ordinance 2006 (26/06), the Companies Ordinance 2007 (2/07) and the Agricultural Provisions Ordinance 2007 (9/07).

8. The Ordinance also provides a simpler procedure for delegating powers, which makes it easier to effect delegations and to ensure the delegations are kept up to date.

Particular points

9. Section 2 defines “function” to include both powers and duties. Section 3 defines a delegated function as one which is designated as such by another enactment (see also section 24 and the schedules, construing previous enactments as including a designation). It uses “qualified” delegated function for what was called “special provisions” delegation under Public Instrument 39/02 (where the function cannot be carried out without first consulting the SBA Administration who may object), and introduces the term “general” delegated function for others which would previously have been delegated under Public Instrument 40/02 (for which there was no term in that PI).

10. Section 4 allows for Public Instruments made under older Ordinances to include delegation (previously the schedule to the Powers and Duties Ordinance had to be amended each time).

11. Section 5 allows for modifications of the effects of the Ordinance, which only offers a standard frame-work rather than a uniform set of rules.

12. Part 2 deals with the effects of delegation. The chief effect, in section 6, is that the appropriate Republican official who carries out the corresponding function in the Republic can also carry it out in the Areas, under the relevant SBA legislation, with the same powers and duties as that legislation places on SBA officials (adapted from section 3 of 12/02). This does not apply the Republican legislation in the Areas, or give the Republican official any greater powers than the SBA official would have had (see section 6(2), adapted from section 9(a) of 12/02). But it means that SBA law achieves a similar effect subject to necessary modifications.

13. Under section 6(1) the delegation is to whichever Republican official carries out the corresponding function in the Republic. This means a delegation does not need to name a particular Republican official or to change when the Republic re-arranges responsibilities among its officials. This is based on section 3(2) of the Adopted Instruments Ordinance 2003, which was then used as a model in Ordinances 9/05, 24/05, 26/06, 2/07 and 9/07. The practice had been to specify Republican posts in Powers and Duties delegation PIs (as in the schedules to PIs 39/02 and 40/02), but Ordinance 20/05 inserted section 3A into Ordinance 12/02 to ensure that a delegated function moved to the appropriate Republican official if the Republic transferred the corresponding function. Also the effect of section 3(2)(a)(i) is that a delegation to Republican officials can remain unaffected by any delegation of the retained SBA function (see section 13) to a different SBA official. Section 3(2)(a)(ii) is new, and caters for cases where an SBA Ordinance places a function directly on a Republican official, without first placing it on an SBA official, but provides that the function should be limited as if it had been delegated.

14. Sections 7 to 11 (adapted from sections 5, 6, 7, 8 and 4 of Ordinance 12/02 respectively) give detail to the principle in section 6. So the Republican official’s actions have the same effects (section 7) and legal protections (section 10) as for corresponding actions of SBA officials, and they can issue the same written instruments (section 8). A Republican official cannot, however, issue legislation for the Areas (section 8(2) and section 19, adapted from article 2(2) of PI 40/02). Section 9 allows Republican prescribed forms to be used, and will apply even if the forms quote the corresponding Republican law (though they are still used under SBA law). Section 11 allows Republican officials carrying out functions to do so in the same places in the Areas as SBA officials (but is subject to sections 14-16 in particular). It also allows them to operate from Republican territory when appropriate, and provides for treating the Areas as if covered by the appropriate Districts of the Republic for that purpose.

15. Part 3 sets out limitations on the effects of delegation, to which Part 2 is subject (see section 6(3)). Section 12 provides that Part 3 only limits powers and duties which are otherwise delegated, rather than expanding on them. So for example an authorisation or condition under section 15(3) or (4) cannot permit a Republican official to do anything not already covered by the original delegated function to which it relates, and an authorisation under section 16(3) cannot be used to give any additional powers of entry (or seizure etc) beyond those already included in the original delegated function.

16. Section 13 (adapted from section 9(b) of 12/02) provides that an SBA official can carry out a function, instead of the Republican official, even though it is delegated. Subsections (3) and (4) are new, and cater for cases where the SBA official is to work jointly with or assist, rather than replace, the Republican official.

17. Sections 14 to 16 deal with limitations in respect of Crown and other servants and property. They are adapted from article 3(b) of PIs 39/02 and 40/02, combined with the related provision

in section 3(4) of the Adopted Instruments Ordinance 2003 (15/03, subsection inserted by 36/03), which was subsequently reproduced in Ordinances 9/05, 24/05, 26/06, 2/07 and 9/07.

18. Section 14 exempts from delegated functions certain property owned or occupied by the Crown or an Authorised Service Organisation or designated as exempt. Section 14(1)(a) (based on article 3(b)(ii) of PIs 39/02 and 40/02) provides that property is not exempt if it is owned by the SBA Administration and is not occupied or used by the Crown. So for example: delegated powers cover any Crown forest, hali and foreshore land which is not used by the Administration or the United Kingdom Ministry of Defence; but such land used by the Ministry of Defence for training or other activities is exempt. Section 14(2) replaces the previous legal fiction of a power to declare organisations to be Authorised Service Organisations solely for these purposes (article 4 of PIs 39/02 and 40/02).

19. Section 15 exempts acts and omissions, rather than property. Section 15(2)(a) exempts Crown service. The remainder of section 15 and section 16 rationalise the exemption for other acts and omissions (by people not in Crown service, or by Crown servants acting outside their service) which take place on Crown and related property. The exemptions in the Powers and Duties Ordinance were different from those in the Adopted Instruments Ordinance (and the other Ordinances modelled on it). The new provisions take elements of each and provide more detail to make the exemption cover the appropriate cases, and to separate out the issue of whether there is a power of entry from the issue of whether the matter is exempt altogether. Section 16 deals with cases where powers of entry are delegated, and provides that they do not give a right to enter certain Crown and related property. Sections 15(3) and 16(3) are based on section 3(4) of the Adopted Instruments Ordinance 2003, and allow the Chief Officer to authorise a Republican official to carry out a function, or exercise a power of entry, which would otherwise have been exempt (for example where it only relates to a Cypriot shop, but the shop is inside a Ministry of Defence fenced area). Sections 15(4) and 16(4) are new and allow for restrictions and conditions to be imposed on authorisations in appropriate cases (for example that the Republican official is accompanied by a Ministry of Defence official), while section 16(5) provides that authorisation must be shown as well as held.

20. Section 17 (adapted from article 3(a) of PIs 39/02 and 40/02) provides that police and customs powers are not delegated. Section 18 (adapted from article 2(2) of PI 40/02) provides that, in respect of criminal offences, powers are not delegated to institute court proceedings or impose fixed penalties. Section 18(c) is new, and ensures that compounding is also excluded. Each of these powers therefore have to be exercised by an SBA official working with the Republican official to whom other aspects of the relevant legislation have been delegated.

21. Delegated functions are carried out under SBA law, and so delegation does not include power to make SBA law. Section 19 (adapted from article 2(2) of PI 40/02) therefore makes explicit provision to exclude powers to make Public Instruments (and see section 8(2)).

22. Section 20 excludes powers to set up bodies. Any such bodies must instead be either created or recognised by relevant SBA legislation.

23. Section 21 allows for temporary restrictions on the carrying out of a delegated function by a Republican official (whether instead of or as well as any restriction operating because an SBA official has taken on the carrying out of any aspect of the function). Any restriction which is not temporary can be imposed instead by an amendment to the enactment which delegated the function. This section expands on and clarifies section 11 of Ordinance 12/02. In particular it ensures the notice must reach the Republican official concerned or be sent to the Republican Attorney-General's office if the particular official cannot be traced (rather than merely being addressed to the appropriate authority or published in the Gazette).

24. Section 22 provides that, if a delegated function is designated as "qualified", it can only be carried out after consulting the SBA Administration, and cannot be carried out if the Administration objects. This is the equivalent of delegating it as a "special" provision, by PI 39/02 under the previous Powers and Duties Ordinance, and is based on article 2(2) of that PI.

25. Section 23 (adapted from section 10 of Ordinance 12/02, and equivalent provisions in Ordinances 15/03, 9/05, 24/05, 26/06, 2/07 and 9/07) deals with evidence in SBA courts of Republican enactments or documents, which may be relevant to the carrying out of a delegated function.

26. Section 24 and the schedules are a transitional provision. They give a list of functions which are to be treated as delegated even though their creating enactments do not yet make any reference to this Ordinance. The schedules are consolidations of the amendments to date of the schedules

to PIs 39/02 and 40/02 (which are repealed, see section 25), plus a change to the scheme under the Mines and Quarries legislation. Delegations subsequent to this Ordinance will be by express reference in the delegating Ordinance, but initially the existing set of delegations will continue to operate on the basis that users of other SBA enactments need to know to check this Ordinance for any relevant delegations. As and when amendments are made in due course to the enactments listed in the schedule, to provide for express delegation, then section 24(3) provides that the schedule no longer applies to the provision concerned (without a need to amend the schedule as such).

27. Section 25 repeals the predecessor to this Ordinance, the Powers and Duties (Officers of the Republic of Cyprus) Ordinance 2002. Under section 10(1) of the Interpretation Ordinance (Cap 1 as amended), references in any other enactment to the 2002 Ordinance are to be treated as references to this Ordinance. The repeal of the Ordinance operates as revocation of the PIs made under it. In particular PIs 39/02 and 40/02 do not survive under section 11 of the Interpretation Ordinance, because they would be inconsistent with the provisions substituted by this Ordinance. Under section 10(2) of the Interpretation Ordinance, the repeal does not affect the previous operation of the 2002 Ordinance, or the continuance of rights and liabilities already acquired under it. The repeal only takes effect when this Ordinance comes into force, so there is no gap.