An Ordinance to amend the Protection of Public Health (Covid-19) (No.2) Ordinance 2021.

R. Thomson  
ADMINISTRATOR  

14 December 2021

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

Short title and commencement

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

(2) This Ordinance comes into force on 15 December 2021.

Amendment of the Protection of Public Health (Covid-19) (No.2) Ordinance 2021

2. The Protection of Public Health (Covid-19) (No.2) Ordinance 2021(a) is amended in accordance with this Ordinance.

(a) Ordinance 32/2021 as amended by Ordinance 24/2021.
Relevant health and safety guidelines

3. In section 2 (interpretation), after subsection (5), insert—

“(6) Where relevant health and safety guidelines confer functions on any person, those functions are deemed to be conferred on the Chief Officer, and are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).”

Events

4.—(1) Section 10 (mass events and gatherings) is amended in accordance with this section.
(2) In subsection (1), omit paragraph (e),
(3) Omit subsection (4).
(4) At the end, insert—

“(5) A person organising a festive event must ensure that the relevant health and safety guidelines are complied with.

(6) No person may organise or attend an event on the premises, or in the vicinity, of a shopping mall.”

Remote working

5.—(1) In section 28A (number of persons permitted to work at a private business)—
(a) for subsection (1), substitute—

“(1) A person having control of an activity of a business to which this subsection applies must ensure no more than 80% of the total number of persons employed by the business for the purposes of the activity are present at an individual site of the business at any one time.”
(b) after subsection (1), insert—

“(1A) Subject to subsection (2), this section applies to an activity of a business if—
(a) the business employs more than 10 persons,
(b) the activity consists of the provision of services,
(c) none of the following sections apply to the activity—
   (i) section 18 (catering establishments),
   (ii) section 19 (nightclubs, reception halls, discos, music and dance venues etc),
   (iii) section 20 (cinemas, theatres etc),
   (iv) section 21 (sports facilities),
   (v) section 28 (relevant undertakings), and
(d) the activity is not a taxi, minicab or public transport service.”
(c) in subsection (2)—
(i) for “A person may operate a private business without a limit on the total number of employees on the premises at any one time if the business relates to—”, substitute “Subsection (1) does not apply to an activity of a business if the activity consists of any of the following—”,
(ii) in paragraph (n), after “ports”, insert “or services supporting the operation of ports”,
(iii) at the end of paragraph (r), omit “and”,
(iv) at the end of paragraph (s), for the full stop, substitute a comma,
(v) after sub-paragraph (s), insert—

(a) Ordinance 17/2007, amended by Ordinance 8/2012.
“(t) credit acquiring services,
(u) shipping or services supporting shipping,
(v) legal services,
(w) mass media,
(x) fire fighting services,
(y) private protection and the fitting and maintenance of private protection systems,
(z) services relating to compliance by the Republic of Cyprus with its obligations under Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products(a).”

(2) In section 32 (community councils and municipality councils, after subsection (4), insert—

“(4A) A community or municipality council must grant the employee special leave by reason of public health where—

(a) acting reasonably and fairly, it has decided not to allow the employee to work on a site of the employer for the purposes of complying with section 16 or with relevant health and safety guidelines, or of preventing the incidence or spread of COVID-19,

(b) the employee is fit to perform their tasks under their contract of employment, and

(c) it is not reasonably possible to allow the employee to work from home remotely.”

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) (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.


3. Section 3 provides that functions conferred by relevant health and safety guidelines (such as that of approving an activity) are deemed to be conferred on the Chief Officer, and are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

4. Section 4 provides that festive events on the premises, or in the vicinity, of a shopping mall are prohibited, subject to an number of exceptions. On the other hand, the general prohibition festive events where more than 200 attendees are expected to attend is removed. Finally, the section provides that the organisers of festive events must ensure that the relevant health and safety guidelines are complied with.

5. Section 5 makes provisions requiring a certain number of employees, in private businesses and to work remotely, subject to a number of exceptions. It also provides for the granting of special leave by reason of public health by local authorities for employees who they reasonably and fairly decide not to allow to work on their premises in order to prevent the incidence or spread of COVID-19, where they are fit to work but it is not reasonable for them to work remotely.