

A LAW TO PROVIDE FOR THE ESTABLISHMENT
OF A DEPUTY MINISTRY OF TOURISM,
THE APPOINTMENT OF A DEPUTY MINISTER OF TOURISM TO THE
PRESIDENT AND FOR RELATED MATTERS

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A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A DEPUTY MINISTRY OF TOURISM, THE APPOINTMENT OF A DEPUTY MINISTER OF TOURISM TO THE PRESIDENT AND FOR RELATED MATTERS

Preamble.

WHEREAS it has transpired that the way to develop the touristic product presents weaknesses in applying those horizontal policies essential for the implementation of a complete national strategy on tourism,

AND WHEREAS the present framework has been regarded as not exploiting effectively and to the maximum level the comparative advantages which Cyprus represents in this field,

AND WHEREAS the objective is for the incorporation of a strategic and supervisory authority with powers to outline a national strategy in tourism, to promote and project Cyprus as tourist destination, as well as enforce the tourism legislation,

AND WHEREAS the proposed institutional adjustments are expected to lead to more effective planning and implementation of modernisation measures and strengthening of the tourist infrastructure and activity in the Republic with multiple benefits for the Cyprus economy and the labour market,

AND WHEREAS it is imperative for this reason to enact the Deputy Minister of Tourism to the President as head of the Deputy Ministry of Tourism with coordinating and horizontal competences and powers in matters of tourism,

For all these reasons the House of Representatives enacts as follows:

Short title.
123(I) of 2018
152(I) of 2018*.

1. This Law may be cited as the Establishment of a Deputy Ministry of Tourism, the Appointment of a Deputy Minister of Tourism to the President and for Related Matters Laws, 2018.

PART I PRELIMINARY

Interpretation.

2. In this Law unless the context otherwise requires-

“competent authority” means the Deputy Minister of Tourism to the President;

54 of 1969
50 of 1977
48 of 1978
62 of 1979
66 of 1980

“Cyprus Tourism Organization” or “Organization” means the organization established under the provisions of section 3 of the Cyprus Tourism Organization Law;

* See Note at the end of the text.

63 of 1981
16 of 1985
34(l) of 1995
3 (l) of 1997
19(l) of 1999
136(l) of 2002
35(l) of 2005.

“Deputy Minister of Tourism to the President” or “Deputy Minister” means a person appointed by the President of the Republic under the provisions of section 7;

“Deputy Ministry of Tourism” or “Deputy Ministry” means the Deputy Ministry set out in section 3;

“Director-General” means the Director-General of the Deputy Ministry of Tourism;

“employee” means an employee of the Cyprus Tourism Organization who immediately prior to the date of the coming into force of this Law had a permanent post in the Cyprus Tourism Organization;

1 of 1990
71 of 1990
211 of 1991
27(l) of 1994
83(i) of 1995
60(i) of 1996
109(l) of 1996
69(l) of 2000
156(l) of 2000
4(l) of 2001
94(l) of 2003
128(l) of 2003
183(l) of 2003
31(l) of 2004
218(l) of 2004
68 (l) of 2005
79(l) of 2005
105(l) of 2005
96(l) of 2006
107(l) of 2008
137(l) of 2009
194(l) of 2011
78(l) of 2013
7(l) of 2014
21(l) of 2014
100(l) of 2015
148 (l) of 2017
151(l) of 2017
152(l) of 2017.

“public officer” has the meaning assigned to it by the Public Service Law;

“Republic” means the Republic of Cyprus;

“temporary” means a person who immediately prior to the date of the coming into force of this Law was employed in the Cyprus Tourism Organization on a contract of temporary employment or on a contract of indefinite duration;

Schedule.

“tourism legislation” means the laws and regulations set out in the Schedule and includes any regulations made thereunder.

PART II
ESTABLISHMENT AND COMPETENCES OF A DEPUTY
MINISTRY OF TOURISM

Competences
of a Deputy
Ministry of
Tourism.

3. There shall be established a Deputy Ministry of Tourism with the following competences:

- (a) The setting out of a complete national strategy of tourism and comprehensive tourist development design of Cyprus, including the laying out of positions for the placement of touristic locations,
- (b) the coordination and the implementation of a national strategy of tourism with the use of essential horizontal policies,
- (c) the support of investments in tourism, including the development and implementation of incentives and the continuous supply of information to the public,
- (d) the promotion of touristic consciousness, training and further education,
- (e) the setting out of a strategic projection, promotion and highlighting of the touristic product of Cyprus abroad and internally:

Provided that, for purpose of implementation of the above, consultations with all bodies involved shall take place at all levels of preparation and implementation of a complete strategy of tourism in accordance with the consistently followed practice in the context of proper governing,

- (f) the preparation of studies, market research, analysis of contemporary trends in tourism, the management of statistical data, the evaluation of the performance of programs and grants expended on tourism,
- (g) the creation and maintenance of a register of tourist businesses,
- (h) the development of new tourist products and the updating of existing ones, the continuous upgrading of the quality of services provided in the tourist sector and the promotion of innovation,
- (i) the implementation of the tourism legislation, relating to the powers it has given to the Cyprus Tourism Organization prior to the coming into force of this Law, including the issue of relevant licenses,

- (j) the supervision of the tourist sector, the cooperation with other supervisory authorities and the Cyprus Police, the correct provision of information and update of tourist businesses and their consumers regarding the provisions of the tourism legislation and rendering the public sensitive to the tourist product,
- (k) the drawing and submission of proposals for reform concerning the simplification of procedures for the attraction of investments of tourist character, in the upgrading of competitiveness and the wider development of the tourist industry, as well as the simplification of the regulatory framework regarding the tourist industry.

**PART III
MANNING AND OPERATION OF A DEPUTY MINISTRY OF
TOURISM**

Manning of
Deputy Ministry
of Tourism.

4.- (1) The Deputy Ministry of Tourism shall be manned, managed and operates in accordance with the provisions of this Law, the Public Service Law and the Regulations made thereunder.

(2) The manning of the Deputy Ministry of Tourism shall be made with the staff of the Cyprus Tourism Organization in accordance with the provisions of section 13.

(3) The Deputy Minister shall be the political head and the competent authority for the officers of the Deputy Ministry of Tourism, who shall act through the Director-General of the Deputy Ministry, by analogy to the competences of ministers for the officers of their ministries, under the provisions of section 2 of the Public Service Law.

(4) The Director-General of the Deputy Ministry shall be the competent officer for the exercise of the administration of the Deputy Ministry.

Annual
report.

5.-(1) The Deputy Ministry of Tourism shall draw up an Annual report, which the Deputy Minister shall submit to the Council of Ministers and shall deposit at the House of Representatives for briefing.

(2) The Annual report shall be published in the press and in a manner deemed by the Minister to be appropriate and on every occasion it will be posted on the official website of the Deputy Ministry:

Provided that the first report shall cover that period of the year corresponding to the period commencing from the date of appointment of the first Deputy Minister until the end of that year.

PART IV
APPOINTMENT, COMPETENCES AND CONDITIONS OF
SERVICE OF A DEPUTY MINISTER TO THE PRESIDENT

Appointment of
Deputy Minister,
competences and
powers thereof.

6. -(1) The Deputy Minister shall be appointed by an act of the President of the Republic.

(2) Any person appointed as a Deputy Minister, shall, in accordance with the provisions of subsection (1), exercise the competences and authority assigned thereto under the provisions of this Law, including any other competences assigned thereto by the Council of Ministers.

(3) Without prejudice to the generality of subsection (2), the competences and authority of the Deputy Minister shall include the following:

(a) The political supervision of the Deputy Ministry of Tourism;

(b) the political representation of the Republic in bodies and institutions of the European Union or in any international organization, the development of inter-state relations and the carrying out of any acts which fall within the authority or duties assigned to it under the provisions of this Law or by the Council of Ministers;

(c) the management of all matters and cases which fall within the authority or duties assigned to it;

(d) the issue of circulars, internal directives and general directives for the execution of any authority or duties assigned to it and the implementation of any regulations made under the provisions of this Law or any other relevant legislation in connection with the authority or duties assigned to it;

(e) the preparatory work for submission to the ministers, depending on the matter, bills, draft orders or draft regulations concerning authority or duties assigned to it under the provisions of this Law.

Duration
of a Deputy
Minister's term
of office.

7. The duration of a Deputy Minister's term of office shall not exceed the duration of the President of the Republic's term of office during which the Deputy Minister was appointed and shall be terminated in the absolute discretion of the President of the Republic.

Incompatibility.

8. The office of a Deputy Minister shall be incompatible with the office of a member of the House of Representatives, a Mayor, a member of any municipal council or of a member of the armed or security forces of the Republic or that of a public officer.

Compensation and pension benefits of a Deputy Minister.

22 of 1960
57 of 1970
64 of 1973
36 of 1976
74 of 1978
49 of 1980
47 of 1983
229 of 1990
79 (I) of 1995
127 (I) of 2002
111 (I) of 2005
74 (I) of 2010
128(I) of 2012.

9.-(1) The compensation of a Deputy Minister shall be equivalent to that provided for ministers, under the provisions of the Ministers and President, Vice-President and Members of the House of Representatives (Compensation) Law.

(2) The Deputy Minister shall enjoy the same pension benefits provided for ministers, under the provisions of the Pensions (Certain Officials of the Republic) Law:

49 of 1980
46 of 1983
170 of 1986
130 of 1988
13 of 1989
136 of 1990
37 of 1991
63(I) of 1993
39 (I) of 1996
47(I) of 1996
111 (I) of 2002
112(I) of 2005.

Provided that any other benefits and terms applying and/or granted to ministers shall also be applied and /or granted, *mutatis mutandis*, to the Deputy Minister.

Budget of Deputy Ministry of Tourism.

20(I) of 2014
123(I) of 2016
133 (I) of 2016.

10. (1) Subject to the provisions of the Fiscal Policy Responsibility and the Fiscal Policy Framework Law, the Deputy Minister shall draw up a budget proposal for every financial year, with which he submits the annual budget of his Deputy Ministry to the Minister of Finance.

(2) Upon approval by the Minister of Finance, the budget of the Deputy Ministry for every financial year shall be included in the budget of the Republic for the financial year to which it relates.

Presence of Deputy Minister at meetings of the Council of Ministers and submission of proposals.

11. The Deputy Minister may submit proposals to the Council of Ministers and attend its meetings for matters of his competence assigned to him under the provisions of this Law or by the Council of Ministers, without, however, taking part in the process of decision making.

PART V

TRANSFER OF STAFF AND POSTS OF THE CYPRUS
TOURISM ORGANIZATION TO THE DEPUTY MINISTRY OF
TOURISM

Transfer of staff
and posts of the
Cyprus Tourism
Organization to
the Deputy
Ministry of
Tourism.

12. (1) The structure of permanent posts of the Organization together with the holders of the posts, including the local staff at foreign offices of the Cyprus Tourism Organization, shall be transferred to the Deputy Ministry of Tourism, with the exception of the post of Director-General of the Organization, which shall be abolished.

(2) The posts and staff of the Organization transferred to the Deputy Ministry of Tourism shall be placed in the new sections of the state budget and shall maintain their separate structure.

(3) The posts set out in subsection (1), depending on the case, are noted in the state budget with double cross (+ +) or shall be noted with double cross (+ +), when it will not be possible to fill these posts by holders of lower level posts of the same structure posts.

Right of refusal of
employee,
temporary or local
staff for transfer
and relevant
provisions.

13. Every employee, temporary or local staff at foreign offices of the Cyprus Tourism Organization, may irrevocably declare in writing to the Director-General of the Deputy Ministry of Tourism, prior to transfer to the Deputy Ministry of Tourism, and within one (1) month from the notification to him of the conditions of his service, as prescribed by the provisions of this Law, that he does not wish to be transferred to the Deputy Ministry of Tourism, under the provisions of this Law, and, in such a case his services shall be deemed to have been terminated under the provisions of the Termination of Employment Law.

24 of 1967
17 of 1968
67 of 1972
6 of 1973
1 of 1975
18 of 1977
30 of 1979
57 of 1979
82 of 1979
92 of 1979
54 of 1980
12 of 1983
167 of 1987
37 of 1988
18 of 1990
203 of 1990
52(I) of 1994
61 (I) of 1994
26 (I) of 2001
111 (I) of 2001
70(I) of 2002
79(I) of 2002
159(I) of 2002
212 (I) of 2002
110(I) of 2003
111 (I) of 2003

Conditions of service and rights of employee, temporary and local staff.

14. (1) Every employee who is transferred to the Deputy Ministry of Tourism, under the provisions of this Law, shall, during his service therein, enjoy all rights and benefits and have all the obligations and duties as the public officers, subject to all relevant provisions of the Public Service Law and relevant provisions of the regulations made thereunder:

Provided that every employee who is transferred to the Deputy Ministry of Tourism, under the provisions of this Law, shall maintain the pension benefits he had as employee of the Cyprus Tourism Organization.

(2) Every temporary employee who is transferred to the Deputy Ministry of Tourism, under this Law, shall during his service therein enjoy all the rights and benefits and have all the obligations and duties of officers of indefinite duration in the public service as these are set out in the basic conditions of his service.

(3) (a) The conditions of service of any employees who are transferred to the Deputy Ministry of Tourism, under the provisions of this Law, shall be the conditions governing the service of public officers, under the provisions of the Public Service Law and the Regulations made thereunder.

(b) The conditions of service of temporary employees who are transferred to the Deputy Ministry of Tourism in accordance with the provisions of this Law, shall be the conditions of service governing the officers of indefinite duration in the public service.

(c) The conditions of service of local staff at the foreign offices who are transferred to the Deputy Ministry of Tourism under the provisions of this Law, shall be the conditions of service included in their contract of service which is in force.

(d) Every employee or temporary employee who is transferred to the Deputy Ministry of Tourism shall maintain his salary scale, inclusive of personal adjustments.

(4) The service of an employee or temporary employee in the Organization who is transferred to the Deputy Ministry of Tourism under the provisions of this Law, shall be considered as continuing his previous service without interruption and the remuneration and other conditions of service shall not be altered to his disadvantage during his service with the Deputy Ministry of Tourism, but only in case where these conditions are altered in any way for public officers:

Provided that any accumulated leave of rest in favour of the employee shall be transferred on the date of his transfer under this Law and his leave of rest shall be calculated from this date under the provisions of the Public Service (Provision of Leave) Regulations, taking into consideration his service in the Cyprus Tourism Organization.

Official Gazette of the Republic, Third Supplement(I):
14.4.1995
31.12.1998
19.11.1999
25.7.2003
19.12.2003

24.6.2005
6.11.2009
13.10.2017.

PART VI
DISSOLUTION OF THE CYPRUS TOURISM ORGANIZATION

Dissolution of
the Cyprus
Tourism
Organization.

15. (1) Notwithstanding the provisions of the Cyprus Tourism Organization Law, upon the coming into force of this Law the Organization shall be dissolved and shall not exercise any competence, except where this is deemed necessary for the purposes of its final dissolution.

(2) The Council of Ministers may issue an order including provisions it deems necessary for purposes of –

(a) winding up of the Organization's affairs;

(b) imposition and claim of charges to deal with obligations of the Organization and costs of winding up, to the extent that such obligations and costs cannot be covered by funds or other assets of the Organization;

(c) the use of any surplus funds or other assets for the purposes prescribed in the order, and

(d) the dissolution and winding up of the Organization.

Pending judicial
proceedings and
cause of action.

16. – (1) Any judicial proceeding or cause of action pending or accrued between the Organization and the employees or any other person concerning matters that arose prior to the date of the coming into force of this Law shall continue or shall be brought against the Republic.

(2) From the date of the coming into force of this Law and thereafter any obligation raised in relation to the proceedings provided for in subsection (1) shall become an obligation of the Republic and any remedies provided therein or in relation to them shall be executed against the Republic.

Termination of
competences of
Board of Directors
of the Cyprus
Tourism
Organization.

17. From the date of the coming into force of this Law the Board of Directors of the Cyprus Tourism Organization shall not exercise any competence assigned to it, but only to the extent that it is deemed necessary for the purpose of its final dissolution.

Pension and
Allowances
Scheme to
Employees of the
Cyprus Tourism
Organization.
Official Gazette
of the Republic,
Third
Supplement(l):
6.2.1987

18. (1) From the date of the coming into force of this Law the Pension and Allowances Scheme to Employees of the Cyprus Tourism Organization, which was established by virtue of Regulation 3 of the Cyprus Tourism Organization (Pensions and Allowances Scheme to Employees of the Cyprus Tourism Organization and their Dependants similar to the Government Pensions Scheme) Regulations, 1987 to 2001 and which was in force immediately before the coming into force of this Law, shall be

6.3.1987
24.4.1987
25.5.1990
23.12.1992
24.12.1993
16.3.2001.

deemed to have been made under the provisions of this Law as from the coming into force of this Law and shall continue to be applied.

(2) The employees of the Cyprus Tourism Organization holding permanent posts and transferred to the Deputy Ministry of Tourism under the provisions of this Law shall remain members of the Pension and Allowances Scheme provided for in subsection (1).

(3) The Council of Ministers may issue Regulations under the provisions of section 19 of this Law for the operation of the Pension and Allowances Scheme provided for in subsection (1).

PART VII FINAL AND TRANSITIONAL PROVISIONS

Regulations. **19.** The Council of Ministers may issue Regulations for the better carrying into effect of the provisions of this Law, which shall be laid before the House of Representatives for approval.

Transitional provisions. **20.** (1) Any reference in the tourism legislation or relevant public instruments to-

(a) "Cyprus Tourism Organization" shall be considered as a reference to the Deputy Ministry of Tourism as set out in this Law;

(b) "Director-General of the Cyprus Tourism Organization" shall be considered as a reference to the Director-General of the Deputy Ministry of Tourism;

2 of 152(I)/2018*. (c) "Board of Directors of the Cyprus Tourism Organization" shall be considered as a reference to the Deputy Minister or to the Director-General of the Deputy Ministry;

2 of 152(I)/2018*. (d) "Ministry of Energy, Commerce, Industry and Tourism" shall be considered as a reference to the Deputy Ministry of Tourism;

2 of 152(I)/2018*. (e) "Minister of Energy, Commerce, Industry and Tourism" shall be considered as a reference to the Deputy Minister;

2 of 152 (I)/2018*. (f) "Director-General and/or Officer/representative of the Ministry of Energy, Commerce, Industry and Tourism" shall be considered as a reference to the Director-General and/or Officer/representative of the Deputy Ministry of Tourism.

(2) Any approval, licence or deed of any nature granted or carried out by virtue of the provisions of the Cyprus Tourism Organization Laws, 1969 to 2005, shall be deemed to have been granted or carried out by virtue of the provisions of this Law.

* See Note at the end of the text

(3) The validity of any licence issued by the Cyprus Tourism Organization in accordance with the provisions of any Law or regulations made thereunder shall not be affected by the repeal of the Cyprus Tourism Organization Laws, 1969 to 2005 and shall expire on the expiry date specified therein.

Repeal of the
Cyprus Tourism
Organization
Laws.

21. Upon the coming into force of this Law the Cyprus Tourism Organization Laws, 1969 to 2005, shall be repealed.

Entry into force of
this Law.
Part V.

22. This Law shall come into force on the 2nd of January, 2019, with the exception of the provisions of PART V, which shall come into force by a decision of the Council of Ministers to be published in the Official Gazette of the Republic.

SCHEDULE
TOURISM LEGISLATION
(Sections 2 and 3)

1. The Hotels and Tourist Establishments Laws, 1969 to 2014 and regulations made thereunder.
2. The Catering and Entertainment Establishments Laws, 1985 to 2007 and regulations made thereunder.
3. The Catering and Entertainment Establishments (Sound Transmission Licences) Law, 2016.
4. The Tourism and Travel Offices and Tourist Guides Laws, 1995 to (No.2) of 2013 and regulations made thereunder.
5. The Sale of Intoxicating Liquors Law.
6. The Foreshore Protection Law and regulations made thereunder.
7. The Protection of Sea-Bathers Laws, 1968 to 2017.
8. The Regulation and Control of the Operation of Offices for the Hiring of Motorcycles or Tricycles Laws, 1991 to 2002 and regulations made thereunder.
9. The Speed-Boats Laws, 1992 to 2001.
10. The Noise Abatement Laws, 1968 and 1974.
11. The Criminal Code.
12. The Regulation of Road Transport Laws, 1982 to 2012.
13. The Municipal Corporation Laws, 1985 to 2018 (Part VII – Nuisances) (Sections 91 to 102).
14. The Operation and Control of Casino Law, 2015.
15. The Regulation of Marinas Laws, 1977 to 2002.
16. The Administration of Leisure Boats Docking Sites Laws, 2007 to 2013.

NOTE

The following observations do not form part of the principal Law and they cannot be included in the consolidated text of the Law as a part thereof. However, in view of the fact that they affect the application of the Law, it was considered expedient to include them in this Note:

1. The Establishment of a Deputy Ministry of Tourism, the Appointment of a Deputy Minister of Tourism to the President and for Related Matters (Amendment) Law, 2018 (L. 152(I)/2018) published in the Official Gazette of the Republic, Supplement I(I), dated 19.12.2018, contains the following provision:

“Entry
into
force of
this Law.

3. This Law shall come into force on the 2nd of January, 2019”.