

A LAW TO PROVIDE FOR PERSONS WITH DISABILITIES

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The Persons with Disabilities Law of 2000, published in the Government Gazette of the Republic of Cyprus according to Article 52 of the Constitution.

Number 127(I) of 2000

A LAW TO PROVIDE FOR PERSONS WITH DISABILITIES

Preamble WHEREAS the General Assembly of the United Nations in its 85th Session of 20 December 1993 approved Resolution no 48/96 with the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities; and

WHEREAS Rules mention that the undertaking of action to equalise the opportunities for persons with disabilities by the States means their ethical and political commitment, indicating important principles of responsibility, action and cooperation, as well as key areas for the quality of life and the achievement of full participation and equality; and

WHEREAS Rules offer a body of configuration of policy and action of for the persons with disabilities and their organisations

The House of Representatives votes as follows:

PART I – GENERAL PROVISIONS

Short title. 57(I) of 2004
72(I) of 2007
102(I) of 2007. **1.** This Law may be cited the Persons with Disabilities Law of 2000.

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Interpretation. **2.** In this Law unless the context requires otherwise -

2 of 57(I) of 2004. “Direct discrimination on grounds of disability” shall mean that one person is treated less favourably due to his disability than another person is, has been or would be treated in a comparable situation;

2 of 57(I) of 2004. “remuneration” has the meaning given to this term by the Equal Remuneration

- 177(I) of 2002 between Men and Women for the Same Work or for Work of Equal Value Law;
- “disability”, in relation to a person, shall mean any kind of insufficiency or impairment which cause permanent or long lasting bodily or intellectual or mental restriction to the person and, taking into consideration his history and other personal elements of the person, substantially reduce or exclude the possibility to perform one or more activities or functions which are considered natural and substantial for the quality of life of each person of the same age, who does not experience such insufficiency or impairment;
- 2 of 57(I) of 2004. “employment” shall mean the provision of work or services for wages or salary, under individual contract or labour relation or apprenticeship or other individual contract or relation, governed either by the private or public law, including the Public Service, the Judicial Service, the Public Educational Service, the Local Authorities, the legal entities and organisations of public or private law, the Armed Forces and Security Forces;
- 2(b) of 72(I) of 2007 “Discrimination” shall mean the indirect or direct discrimination including harassment and order to apply discriminatory treatment;
- “Management Committee” shall mean the Committee that manages the Special Needs Fund which is established by virtue of article 14;
- 2 of 57(I) of 2004. “indirect discrimination on grounds of disability” shall mean an apparently neutral provision, criterion or practice that would put persons with disability at a particular disadvantage compared to other persons, unless -
- (a) that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary; or
- (b) the employer or any person or organisation to whom this Law applies, takes appropriate measures in line with the principles contained in Article 5(1A) in order to eliminate disadvantages entailed by such provision, criterion or practice;
- 2 of 57(I) of 2004.
3 of 1991
98(I) of 1994
101(I) of 1995. “Commissioner for Administration” shall mean every Commissioner for Administration by virtue of the Commissioner for Administration Laws;
- 2 of 57(I) of 2004. “employee” shall mean every person who works or undertakes an apprenticeship as a full or part time occupation, for a fix or indefinite, continuous or not, period of time, regardless the place of work, including homeworkers but not including self-employed persons;
- 2 of 57(I) of 2004. “employer” shall mean the Government of the Republic, the Local Authorities and every natural person or legal entity or organisation or public or private law, in any public or private sector or area of activity, employing or that used to employ employees;
- “codes” shall mean the codes of practice issued by virtue of article 27;

- 2 of 57(I) of 2004. “Member State” shall mean any Member State of the European Union;
- 2 of 57(I) of 2004. “harassment” shall mean an unwanted behaviour expressed verbally or physically related to the disability of a person and takes place with the purpose or resulting in violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- “Minister” shall mean the Minister of Labour and Social Insurance;
- “Council” shall mean the Council formed by virtue of article 10;
- “Fund” shall mean the Needs Fund established by virtue of article 14;
- 2 of 57(I) of 2004. “third country” shall mean any country which is not a Member State;
- 3(a)(b) of 72(I) of 2007. Principle of equal treatment and non-discrimination **3.** – (1) The principle of equal treatment of disabled persons, which implies that there will be no discrimination whatsoever against any person on grounds of disability, shall apply in the implementation of this Law.
- 3(c) of 72(I) of 2007. (2) Without prejudice to the generality of the provisions of par. (1), a person discriminates against another person if he treats such person-
- (a) less favourably than he treats or would treat a person without a disability, in the same or in a similar situation;
- (b) on the basis of characteristics which generally belong to persons with such disability or on the basis of an alleged characteristic which generally belongs to persons with such a disability or on the basis of an alleged characteristic generally attributed to persons with such disability; or
- (c) based on the fact that this person does not satisfy or is not in a position to satisfy a condition the nature of which is such that a high percentage of persons who do not have such disability satisfy or are in a position to satisfy, as opposed to persons who do have such disability and the existence of such condition is not justified by the circumstances of the case;
- (d) contrary to any provision contained in a code of practice issued under this Law.
- 3(b) of 57(I) of 2004. (e) in such way that constitutes harassment within the meaning of this Law.
- 4 of 57(I) of 2004. **3A.** –(1) This Law does not apply as to employment-
- Scope and exceptions (a) in the armed forces, to the extent that the nature of the work requires special abilities that may not be performed by persons with disability, and
- (b) in professional activity that, by reason of the nature or of the context in which it is carried out, a characteristic or an ability not possessed by a person with disability, constitute a substantial and determining occupational requirement,

provided that the aim is legitimate and the requirement is proportionate to that aim, taking also into consideration the possibility to adopt reasonable measures provided for in article 9.

(2) This Law does not affect the measures provided for by the legislation and which in a democratic society are necessary for the security, the protection of the order and the prevention of criminal offences, as well as the protection of health, rights and freedoms of everyone.

(3) The prohibition of discrimination on the grounds of nationality does not apply in this Law and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

4 of 57(I) of
2004.

3B. – (1) In order to ensure full equality in practice, the principle of equal treatment provided for under Article 3 of this Law, does not affect any favourable treatment in employment, which although indirectly seems like discrimination, it is aimed in prevention or in compensation of disadvantages on grounds of disability.

(2) In particular, the principle of equal treatment does not affect the maintenance or introduction of provisions on promoting health and the safety in the work environment, or other measures that aim on the creation or maintenance of any conditions or facilities that have the purpose of safeguarding or encouraging the integration of persons with disabilities in the labour market.

PART II – RIGHTS OF PERSONS WITH DISABILITIES

Basic rights.

4. – (1) Every person with disabilities has the right to an independent living, full inclusion in society and equal participation in the financial and social life of the country.

(2) Without prejudice to the generality of the provisions in par. (1), persons with disabilities have the following rights -

(a) early detection and diagnosis of his disability; intervention and prevention of further consequences thereof; provision of medical and pharmaceutical care; restoration of his physical functions including the provision and training for the use of orthotic and prosthetic limbs, as well as psychological and other support for the person and its family;

(b) personal support with assistive devices, with other means and services which assist the person in their everyday life and work, and by providing an interpreter or helper, as well as other necessary support;

(c) accessibility in housing, buildings, roads, public means of transportation and generally to the physical environment and to other means of transport;

(d) accessibility to inclusive education according to the persons needs;

(e) accessibility to information and communication with the use of special means, where necessary, especially for groups of people with sensory disabilities;

(f) accessibility to social and financial services, professional assessment and orientation, professional training and employment in the open labour market;

(g) respectable living standard and, where necessary, financial provisions and social services;

(h) creation of personal and family life;

(i) participation in cultural, social, athletic, religious and recreational activities.

5(a)(b) of 72(I)
of 2007
Equal treatment and
prohibition of
discriminations in
employment.
5(a) of 57(I) of
2004.

5. – (1) The principle of equal treatment applies to employment, therefore any kind of discrimination against a person with disabilities is prohibited as to-

(a) conditions for access to employment, self-employment and occupation, including selection criteria and recruitment conditions, whatever the sector or branch of activity and at all levels of the professional hierarchy, including promotion;

(b) access to all types and to all levels, of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;

(c) employment and working conditions, including dismissals and pay;

(d) membership of and involvement in an organisation of workers or employers, or any other organisation whose members carry on a particular profession, including the benefits provided for by such organisations;

5(c) of 72(I) of
2007.

(1A) In order to guarantee compliance with the principle of equal treatment for persons with disabilities, reasonable adjustments shall be made. This means that the employer shall take the appropriate measures according to the needs of a given situation in order to enable the persons to have access to, participate in, or advance in employment, or to have access to training, unless this requirement creates a disproportionate burden to the employer:

Provided that the burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the disability policy of the Member State concerned.

5(d) of 72(I) of
2007.

(2) Without prejudice to the generality of the provisions of par. (3B), the principle of equal treatment shall include-

(a) the creation of employment opportunities with-

(i) the introduction of employment schemes for persons with disability by providing incentives for the employers which shall be determined by regulations according to the number of employees or the business cycle of the enterprises concerned;

(ii) the creation of jobs in the governmental, semi-governmental and wider public sector to be fulfilled exclusively by persons with disability;

(b) the job reinstatement, where possible, of a person with disability in the same enterprises where the disability occurred during their employment;

(c) special protection against dismissal;

(d) the obligation to provide reasonable access and facilities in the working environment, including:

(i) the necessary modifications or adjustments of accessibility to existing facilities so as to make them accessible to persons with disabilities;

(ii) the reshaping of work by creating working schedules of part-time occupation or modified working hours, with the acquisition of new or the modification of existing equipment, machinery, tools, means and any facilities or services;

(e) the operation of special schemes of employment in the public and private sector, by providing economic incentives.

5(b) of 57(I) of 2004. (3) The provisions of subpar. (1) does not apply to any kind of provisions made by state schemes or similar, including state social security or social protection schemes, except the professional schemes of social insurance.

5(e) of 72(I) of 2007. (4) Any person who commits any act, action or omission which constitute direct or indirect discrimination against a person with disability in the field of employment, is guilty of an offence punishable with a fine not exceeding four thousand pounds or with imprisonment not exceeding six months or with both sentences:

Where the offence is committed due to negligence a fine not exceeding two thousand pounds shall be imposed.

5(e) of 72(I) of 2007 (5) If the offence provided for in the above subparagraph is committed by a legal entity or organisation, the managing director, chairman, secretary or officials of the legal entity, shall be guilty if it is proved that the offence has been committed with his consent, cooperation or tolerance and in case of conviction the legal entity shall be punished with a fine not exceeding seven thousand pounds and the natural person shall be punished as above:

Where the offence is committed due to gross negligence the legal entity shall be punished with a fine not exceeding four thousand pounds and the natural person with a fine not exceeding two thousand pounds.

Provision of goods, services and facilities. **6. – (1)** A person with disabilities shall enjoy equal treatment as other citizens of the Republic, in the provision of goods, facilities and services. It shall be considered a discrimination to treat a person with disability less favourably than any other person where the treatment -

(a) is related to his disability and the reason given for the different treatment does not apply to persons who don't have a disability; and

(b) this treatment is not justified.

(2) For the purposes of this article the following shall not constitute equal treatment of persons with disabilities

(a) the refusal to provide services;

(b) the provision of lower quality services;

(c) the provision of goods and services on less favourable terms;

(d) the failure to carry out alterations to services or facilities so that it is impossible or unreasonably difficult for a disabled person to make use of such services or facilities. Alternations for these services include :

(i) the creation of appropriate means of access and facilities for the convenient and secure use of such services and facilities by persons with disabilities;

(ii) the use of special means, instruments or persons for contact and information for certain groups of persons with disabilities;

(iii) the use of appropriate means, instruments and facilities in places where special services are provided such as schools, hospitals, clinics and other similar areas.

6 of 72(I) of
2007.
Movement and
transport of persons
with disabilities
with public
transport means.
OG Annex III,
Part I,
2.2.2003.
18(I) of 2000
18(I) of 2002
61(I) of 2005.

7. The public means of transport of passengers should meet the technical specifications and requirements set out by the Busses and Coaches Decree of 2003 issued by virtue of the Vehicle Type Approval Laws of 2000 and 2002, as replaced by the Vehicle Type Approval Laws of 2005, regarding entry and transportation of persons with disabilities.

2 of 102(I) of
2007.
“Parking card for
disabled
persons.

7A. – (1) Subject to the terms and conditions contained in the Annex of this Law, persons with disabilities have the right to be issued a parking card which enables them to park in areas set out in the Annex.

Annex.

(2) The holder of a parking card who parks in violation of par. 4 of the Annex is guilty of an offence punishable with a fine not exceeding five hundred pounds.

(3) In case of a second conviction for the same offence, the Court may additionally order the convicted offender to return his parking card.

(4) Any person:

(a) who uses a parking card without being entitled to do so, or

(b) parks in parking areas intended for persons with disabilities, without being the holder of a parking card,

is guilty of an offence punishable with imprisonment not exceeding one year or with a fine not exceeding seven hundred pounds or with both sentences.

Telecommunications
and information.

8. – (1) The competent governmental departments must, within a short period of time, proceed to the installation of a suitable system of telephone services which assists persons with hearing disadvantage or with any other sensory disability or

other speech disability to communicate through the telephone system in a manner proportionate to those persons without such disadvantages.

(2) There must be public means of telecommunication accessible to disabled persons, including persons using wheelchairs.

(3) The television stations must make arrangements so that at certain hours the news broadcasts must be understood by persons with a hearing disability.

Principle of reasonable
measure and offences.
7(a) of 72(I) of
2007.

The principles referred to in articles 4, 6 and 8 shall be applied by adapting reasonable measures and to the extent that financial and other conditions permit

(2) For the purposes of this article “reasonable measures” shall mean the measures provided for in other Laws or regulations and which shall be taken by way of application of the above principles, having regard to factors which affect the meaning of a reasonable measure, including the following-

(a) the nature of the measures and the expenditure required for their application;

(b) the financial resources of the person who has the duty to take such measures;

(c) the financial standing and other obligations of the State, where the duty for the application of measures concerns the public sector;

(d) any subsidies offered by the public sector or other sources as a contribution to the total cost of such measures;

7(b) of 72(I) of
2007.

(e) the socio-economic condition of persons with disabilities.

6(b) of 57(I) of
2004.

(3) Any person who without reasonable cause acts or fails to act in a manner which amounts to discrimination against a person with disability shall be guilty of an offence punishable with a fine not exceeding four thousand pounds or with imprisonment not exceeding six months or with both sentences.

For the purposes of this article “reasonable cause” includes cases where reasonable measures cannot be taken, or where such measures have not been taken by virtue of this article.

6(c) of 57(I) of
2004.

(4) If the offence provided for in subparagraph (3) of this article is committed by a legal entity or organisation, the managing director, chairman, secretary or officials of the legal entity, shall be guilty if it is proved that the offence has been committed with their consent, cooperation or tolerance and in case of conviction the legal entity shall be punished with a fine not exceeding seven thousand pounds and the natural person shall be punished as per subparagraph (3).

(f) If the offence provided for in subparagraph (3) is committed due to gross negligence, it shall be punished with a fine not exceeding two thousand pounds. If the said offence is committed by a legal entity or organisation, the managing director, chairman, secretary or officials of the legal entity, shall be guilty if it is

proved that the offence has been committed with his consent, cooperation or tolerance and in case of conviction the legal entity shall be punished with a fine not exceeding four thousand pounds and the natural person shall be punished with a fine not exceeding two thousand pounds.

7 of 57(I) of
2004.
Judicial
protection and
burden of proof

9A. Any person who considers himself wronged from a breach of this Law regarding discrimination in employment, may claim his rights before the competent Courts and use all appropriate means to prove such breach and any material or moral damage that he may suffered due to such breach.

8 of 72(I) of
2007.

Provided that in any proceedings, except in criminal proceedings, if the party who considers himself wronged from a breach of the provisions of this Law, establishes facts from which it may be presumed that there has been a breach, it shall be for the respondent to prove that there has been no breach of this Law.

7 of 57(I) of
2004.
Competent
Courts

9B. – (1) Subject to the exclusive jurisdiction of the Supreme Court, by virtue of Article 146 of the Constitution, the Court of Labour Disputes shall have jurisdiction to adjudicate on any dispute arising from this Law on discrimination in employment.

(2) In case of an action brought before the District Court by virtue of Article 146(6) of the Constitution and on the condition that the requirements of the substantial right to fair and reasonable compensations are met, the competent District Court shall award to the beneficiary the higher of the following two amounts:

(a) the fair and reasonable compensations awarded by virtue of Article 146(6); or

(b) the whole material damage plus legal interest as of the date of occurrence of damages till full payment of damages.

(3) The Court of Labour Disputes shall grant just and equitable damages which shall cover at least the whole material damage plus interest thereon as of the date of violation till full payment of damages.

7 of 57(I) of
2004.
Extrajudicial
protection
42(I) of 2004.

9C. Any person who considers himself wronged from a breach of this Law regarding discrimination in employment, may submit his complaint to the Commissionaire for Administration who has jurisdiction to examine the complaint in accordance with the Combating of Racial and Certain Other Discrimination (Commissioner) Law of 2004.

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9 of 72(I) of
2004

9D. Employers' or other bodies or legal entities which have a legitimate interest in ensuring that the provisions of this Law are observed, may exercise with the consent of the plaintiff the rights of articles 9A and 9C either on his behalf or for his defence and, in such case the provisions of article 9A of this Law also apply regarding the burden of proof.

7 of 57(I) of
2004.
Protection against
Reprisal.

9E. Any unfavourable treatment or impact against a complainant or a person involved to proceedings regarding the principle of equal treatment should be prohibited.

7 of 57(I) of
2007.
Abolition or
nullity of
contrary
arrangements

9F. – (1) Any provisions, regulations or decrees contrary to the provisions of this Law regarding discriminatory treatment in employment, shall be abolished as to its part containing such direct or indirect discrimination.

(2) The competent authority shall be obliged to revoke or amend accordingly any individual or regulatory administrative act which is contrary to the provisions of this Law.

(3) Without prejudice to the exclusive jurisdiction of the Supreme Court by virtue of Article 146 of the Constitution-

(a) in case of doubt about whether the law has been abolished or not, the case shall be judged by the competent District Court and the proceedings shall commence with originating summons;

(b) regardless the proceedings before the District Court referred to in par. (a), every Court in the execution of its power may judge the case incidentally, if and where necessary for the processing of the proceedings.

(4) Any arrangement of collective agreement or individual employment contract, internal regulations or rule of self-employed occupation contrary to the provisions of this Law shall be abolished as to its part containing a direct or indirect discrimination.

(5) Any new arrangement of collective agreement or individual employment contract, internal regulations or rule of self-employed occupation contrary to the provisions of this Law shall be abolished as to its part containing a direct or indirect discrimination.

(6) Final decisions issued pursuant to par. (3) of this article are applicable to all. Those decisions pertaining to collective agreements are communicated by the Court Registrar to the competent organisations which are obliged to mark on the text of the collective agreement the abolition or nullity established.

PART III – ADVISORY AND EXECUTIVE BODIES

Council for
disabled persons

10. – (1) A council is hereby established under the name “Pancyprian Council for Persons with Disabilities”, hereinafter referred to as the “Council”.

The term of office of the Council shall be three months.

(2) The President of the Council shall be the Minister of Labour and Social Insurance or in case of impediment his representative and the members of the Council shall be the following persons:

(a) State Representation:

The Permanent Secretaries, or their representatives, of the following Ministries:

- Ministry of Finance;
- Ministry of Labour and Social Insurance;
- Ministry of Education and Culture;
- Ministry of Health;
- The Director General of the Planning Bureau or otherwise renamed.

(b) Representatives of organisations-

- Four representatives of Organisations for Persons with Disabilities;
- Two representatives of employers’ bodies;
- Three representatives of employees’ bodies.

The representatives of the bodies are appointed by the Minister upon recommendation of their bodies.

(c) Independents

Two independent persons appointed by the Minister.

(3) The clerical or other support of the Council shall be assigned to the competent Service of the Ministry of Labour and Social Insurance.

(4) The President shall convene the meetings of the Council and sign any important correspondence or document.

(5) Seven of the members of the Council, of whom three must be State representatives and including the President, shall form a quorum. In case of an equality of votes the President shall have a casting vote.

(6) The Council shall deal with procedural matters.

Competences of
the Council

11. The Council shall have the following competences and powers:

(a) give advises on the elaboration or review of the national policy on all matters regarding disabilities and persons with disabilities;

(b) give advises or proposals regarding the introduction or amendment of the relevant legislation;

(c) coordinates and guides non governmental activities on matters regarding persons with disabilities;

(d) monitors the actions and measures taken by the competent service (Service of the Care and Rehabilitation of Persons with Disabilities) of the Ministry of Labour and Social Insurance for the implementation of programmes and measures announced;

(e) proposes the introduction to measures for the implementation of programmes for persons with disabilities;

(f) proposes measures and contributes to the promotion of information on matters regarding persons with disabilities;

(g) monitors the developments in the field of implementation of the rights of persons with disabilities and submits its report to the Council of Ministers;

(h) monitors and supervises the implementation of resolutions and programmes of international organisations on the rights of persons with disabilities;

(i) Forms scientific committees and assigns to experts the task of studies/scientific researches and other issues regarding disabilities and persons

with disabilities.

Specialised
bodies

12. – (1) The Council may proceed to the formation of specialised bodies on any specific matter regarding persons with disabilities, including multidisciplinary teams which can indicate whether a person has a disability or not.

(2) The Council may proceed to the formation of special teams which can examine complaints pertaining to the implementation of the Law.

Constitution of
sub-committees and
advisory
bodies

13. – (1) The Council shall proceed to the constitution of sub-committees for better and more efficient exercise of its competences.

(2) The Council may proceed to the dissolution of sub-committees that in its opinion have completed their task or their existence is not considered necessary.

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PART IV – FUND

Establishment of
a Fund

14. – (1) a Fund is hereby established under the name of “Special Needs Fund” for the purposes referred to in article 16. The Fund is a legal entity and with its name has perpetual succession and a seal of specified form and the power to hold property, to contract, to institute and respond to legal proceedings and in general to take any other actions as may be necessary for the accomplishment of its purposes.

57 of 1972
85 (I) of 1997

(2) The Court and the Attorney-General of the Republic have and exercise in relation to the Fund the same powers in accordance with the Charities Law, or the Associations and Foundations Law as if the Fund was a Charity registered under these Laws. Regulations or Procedural Regulations made or to be made by virtue of the above Laws or other laws replacing the said Laws, shall apply in any procedure.

(3) For the purposes of this article, “Court” shall mean a Court with jurisdiction to judge cases pertaining to the application of the Laws referred to in par. (2).

Fund resources

15. – (1) The Fund shall have the following resources-

(a) contributions, donations, legacies or grants;

(b) subscriptions in accordance with article 21;

(c) pecuniary fines or indemnifications deposited to the Fund in accordance with any law;

79(I) of 1992.

(d) net proceeds from the Welfare Lottery issued in accordance with the Welfare Lottery Law:

Provided that in case the Welfare Lottery is not issued or the proceeds therefrom are less than £80,000, the Fund shall be supported by the State budget with the corresponding amount, so the proceeds from that resource can be at least £80,000

or any other higher amount to be decided;

(e) money or part thereof collected with the appropriate procedures licensed by the Ministry of Finance upon recommendation of the Council, by virtue of article 26;

(f) any interest or income from deposits or investments of the Fund's surplus;

(g) any other money which may be deposited to the benefit of the Fund or collected by it.

(2) All contributions to the Fund of any kind and from any source shall be considered to be made for charity purposes.

Objects of the Fund.

16. – (1) The objects of the Fund shall be charitable and its main object is to equalise the opportunities for persons with disabilities and the provision of any kind of assistance not provided in a satisfactory way by virtue of other laws or schemes, to persons with disabilities.

(2) Without prejudice to the generality of par. (1), the Fund shall have, inter alia, the following objects:

(a) social, financial and professional rehabilitation of persons with disabilities;

(b) education and provision of allowances or grants to persons with disabilities in order to study in Cyprus or abroad with the aim to improve their future rehabilitation based on a scheme established by the Commission;

(c) promotion of creation or subsidy for the creation of businesses that will employ persons with disabilities and their proceeds will be used to their benefit

(d) organisation of recreation, cultural and sports events;

(e) promotion of information on subjects related to persons with disabilities;

(f) financing of services, totally or partially, on an annual or other basis depending on the activities of the Fund;

(g) provision of technical means, instruments and appliances for the improvement of their life and to facilitate their work depending on the possibilities of the Fund;

(h) carrying out or financing of studies and researches on disabilities;

(i) issue of lottery tickets upon approval of the Minister of Finance.

Management of the Fund.

17. – (1) the Fund shall be managed by a committee composed of the President of the Council and four other members appointed by the President as members of the committee. One of these four members shall be the representative of the persons with disabilities and he shall be appointed from a list of three persons submitted to the President of the Committee by the bodies of disabled persons.

The committee shall be called “Management Committee”.

(2) The term of office of the Management Committee shall be five years.

(3) The Fund shall be under the control of the Management Committee which shall manage and use its assets at its absolute discretion and always to the best interest and for the promotion of the objects of the Fund.

(4) The assets of the Fund shall be composed of deposits and movable or immovable property acquired by virtue of article 15(1).

(5) Subject to the provisions of this article, the Management Committee may invest and use the money or other property of the Fund as it thinks fit for the reinforcement and better development of the Fund and with the ultimate purpose to make the Fund self-maintained.

(6) The Management Committee shall have the right to acquire movable or immovable property in the name of the Fund, to sell and mortgage such property and in general to do all things necessary in carrying out the foregoing purposes.

Restriction to the use of
the Fund’s money

18. – (1) In case the Management Committee intends to use the money of the Fund for investment or development purpose and such amount exceeds half of its total deposits, the Management Committee may proceed only upon its unanimous decision.

(2) For the purposes of this article, deposits or money shall also include bills, State bonds and other securities.

Conditional
contributions.

19. – (1) The acceptance of any conditional proposal of contribution to the Fund, hereinafter referred to as special contributions or contributions for special purposes, shall be subject to the approval by the Management Committee.

(2) Special contributions are deposited to a special account, if deemed necessary, in order to facilitate the accomplishment of the terms or objects of the contribution.

(3) Personal assistance may be granted from special contributions to a person with disability provided that this is not prohibited by the terms of the donor’s offer.

(4) The Management Committee may use the money or property given to the Fund by conditional or special contributions, as it thinks fit, if it considers that at any time, due to the insufficiency of the amount or the property, the conditions or the special purpose may not be observed or achieved according to the case. The right granted to the Management Committee by this article shall not affect the fact that the Management Committee accepted the offer.

Unconditional
contributions.

20. – (1) Each contribution made to the Fund without any condition may be used by the Management Committee in any way deemed fit for the achievement of the purposes of the Fund, and the donor shall have no right to participate or be involved in the management of the contribution or of the Fund.

(2) The annual contributions or grants made to the Fund shall not impose to the Management Committee the obligation to dispose of the whole contribution or grant on an annual basis, if the Committee's programmes and priorities does not allowed this.

Periodic
subscriptions.

21. – (1) The Management Committee may accept annual or periodic subscriptions for general or specific purposes.

(2) Subscriptions shall be paid off in monthly instalments or in any other way the Management Committee thinks fit.

(3) The Management Committee shall have the right, if deemed necessary, to combine periodic subscriptions by virtue of this article with lotteries or prize awards as special incentives.

Contributions for
specific purposes

22. In case of a contribution for specific purposes the Management Committee may, if deemed necessary and to the best use or management of the specific contribution, enter into contract with the donor for the creation of a trust of which it shall be trustee alone or in cooperation with another person and in such case the trust shall operate under the terms of the deed of trust and the internal regulations issued to this end.

Disposition
of the cash fund.

23. – (1) From the Fund, the Management Committee shall dispose of the necessary expenses for the achievement of the purposes of the Fund.

(2) The Management Committee may issue internal regulations for the implementation of this article.

(3) Notwithstanding the generality of par. (1), the President of the Management Committee may decide alone on any grant, pecuniary of material, the value of which shall not exceed £1,000.

Audit of
the Fund

24. The accounts of the Fund shall be audited by the Auditor General.

PART V – MISCELLANEOUS PROVISIONS

Establishment of the
Day for People with
Special Needs.

25. The 3rd of December is designated as the Day of Persons with Disabilities.

Licence for collections
or events to assist
disabled persons.

26. – (1) Subject to the provisions of par. (2) and notwithstanding the provisions of any other law, collections or events of fund raising to assist persons with disabilities shall be carried out upon licence issued by the Minister of Finance.

(2) The Minister of Finance shall issue the licence referred to in par. (1) upon recommendation of the Council.

(3) The licence may contain conditions such as the payment of a percentage of the proceeds to the Fund and the investment of part of the proceeds.

Codes of practice.

27. – (1) The Council may issue codes of practice in order to inform the public of

the persons with disabilities rights and of the public's duties towards them and to eliminate discrimination on the grounds of disability.

(2) Without prejudice to the generality of par. (1), codes of practice may be issued for the following issues:

- (a) Equipment, manufacturing and transformation of public service vehicles;
- (b) Equipment, structures and transformation of private areas for better service of persons with disabilities;
- (c) arrangement and equipment of areas where persons with disabilities work;
- (d) persons with disabilities' rights and employers' obligation at workplaces;
- (e) persons with disabilities' rights in the field of education and health;
- (f) for any other issue the Council may deem necessary to regulate with a code.

(3) Codes issued by virtue of this article shall not have the effect of a law but in case of examination of complaint, the charge from any competent body regarding the non compliance with the codes may constitute a proof of discrimination against the complainant on the grounds of his disability.

(4) Upon decision of the Council of Ministers some or all of these codes or part thereof may be transformed into regulations and submit them to the approval of the House of Representatives.

(5) The codes of practice are published in the Official Gazette of the Republic upon notification of the Minister.

3 of 102(I) of 2007.
8 of 57(I) of 2004.
Appointment of Inspectors.

27A. The Minister may appoint a Chief Inspector or Inspectors for better implementation of the provisions of this Law, regarding issues of equal treatment in employment.

Regulations.

28. – (1) Upon recommendation of the Council, the council of Ministers issues Regulations for better implementation of this Law.

(2) Without prejudice to the generality of par. (1), the Council may, with Regulations, regulate, inter alia, the following issues:

- (a) the taking of measures for the implementation of Part II of this Law;
- (b) the better and easier operation of the Fund including the way its resources and assets are disposed of;
- (c) the management of specific contributions;
- (d) any matter regulated by a code;
- (e) the determination of the degree of disability for implementation purposes of

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this Law or of some provisions thereof in the categories of disabilities.

9 of 57(I) of
2004.

(f) the powers and duties of Inspectors appointed under article 27A;

(g) the determination of measures for the promotion of positive actions;

(3) Regulations issued by virtue of this article are subject to the approval by the House of Representatives.

(4) The Council of Ministers may, with the Regulations issued by virtue of this article or upon exercise of the power referred to in par. (4) of article 27, provide for the enforcement of sentences not exceeding one year of imprisonment or £1,000 or both sentences.

10 of 57(I) of
2004.
Submission of
report to the
Commission.

28A. The Minister may prepare and transmit to the Commission of the European Communities till 19 June 2005 and every 5 years, a report on the implementation of this Law regarding equal treatment in employment.

Entry into force
of this Law.

29. – (1) Subject to the provisions of par. (2), this Law shall enter into force as of the date of its publication in the Official Gazette of the Republic.

(2) Articles 5 and 14 to 24 of this Law shall enter into force at a date to be fixed by the Council of Ministers with notification to be published in the Official Gazette of the Republic, which cannot exceed one year from the date of publication of the rest of the provisions of this Law.

11 of 57(I) of
2004.

11. This Law enters into force as of 01 May 2004.

Abolished under Article 4 of 102(I) of 2007
CODES OF PRACTICE
issued by virtue of article 27 of the Disabled Persons Law of 2000

5 of 102(I) of 2007

ANNEX
(Article 7A)

Parking card and privileges for disabled persons

1. Issue of parking card

(a) A Parking card is granted to persons with severe motor disability, to persons with visual disability and to persons with severe disability to the upper limbs as defined below in subpar. (c) of par. (2) of this Annex.

(b) The Parking card shall be issued by the Service of the Care and Rehabilitation of Persons with Disabilities:

Provided that the Minister may appoint by decree any other service of the Ministry of Labour and Social Insurance as competent body for the issue of parking cards.

EU Official
Journal,
L167,
12.6.1998,
p. 25

(c) The colour of the parking card shall be light blue, its dimensions and content shall be those of the Community model as defined in the Annex of Council Recommendation 98/376/EC of 04 July 1998.

(d) The parking card shall contain the name of the person with the disability.

2. Beneficiaries of the parking card:

The parking card for persons with disabilities shall give the right to privileged parking of vehicles driven by persons with disabilities or transferring persons with disabilities, according to the provisions of this Annex.

(a) Requirements for the issue of a parking card:

(i) application submitted to the Service of the Care and Rehabilitation of Persons with Disabilities, Ministry of Labour and Social Insurance, together with the appropriate medical certificates:

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Provided that persons with disabilities receiving already an allowance for severe motor disability need not to produce medical certificates for the issue of parking card;

(ii) recent photographs signed at the back by the applicant.

(b) The parking card is valid for three years and automatically renewed by the Service of the Care and Rehabilitation of Persons

with Disabilities one month before its expiry date indicated thereon:

Provided that if the disabled person stops using the parking card it should be returned to the Service of the Care and Rehabilitation of Persons with Disabilities.

(c) Categories of disabled persons entitled to use the parking card:

(i) Persons with disabilities receiving a severe motor disability allowance by the Service of the Care and Rehabilitation of Persons with Disabilities, Ministry of Labour and Social Insurance:

Provided that beneficiaries of the parking card are also disabled persons who would have been entitled to receive the said allowance if they had completed the age limit provided for in the relevant scheme.

(ii) persons with a visual disability

(iii) persons with disabilities receiving financial assistance to buy a car by the Ministry of Finance according to the relevant scheme of Financial Assistance to Persons with Disabilities for Purchasing a Car issued by decision of the Council of Ministers:

Provided that beneficiaries of the parking card are also persons with disabilities who would have been entitled to receive the said allowance if they had completed the age limit provided for in the relevant scheme.

(iv) persons with intellectual disabilities, provided that these persons also have a motor disabilities

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(d) Bodies providing services to persons with disabilities meeting the requirements of subparagraph (c) of paragraph (2) of this Annex, are entitled to use the parking card on vehicles transporting persons with disabilities, provided that they are subject to strict control for the correct use of this card.

3. Showing of the parking card:

(a) The parking card should be placed on the upper part of the vehicle's dashboard and the front side with the international disabled sign should be visible.

(b) The parking card should only be used when its holder makes use of the parking right in areas referred to in paragraph (4) below.

4. Areas where privileged parking is allowed:

(a) Streets with parking meters where parking for the holders of the card is free and for unlimited time.

(b) Streets with single or double yellow line for three hours provided that these streets have been predetermined as privileged parking areas for disabled persons by the Technical Committee of the Central Agency for Road Traffic Problems. In these cases the right to privileged parking should be indicated on special signs.

5. Obligations of the holders of parking cards:

(a) The beneficiary should be liable for the correct and reasonable use of the parking card.

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(b) the parking card may not be used by third persons not entitled to use such card, so it should be removed from the vehicle's dashboard in case the vehicle does not transport the disabled person.

(c) the beneficiary should maintain the parking card in a good condition so all information can be visible and in case this information is illegible the parking card should be replaced upon request to the Service of the Care and Rehabilitation of Persons with Disabilities.

(d) The parking card should not be used to the benefit of other passengers, when the beneficiary remains in the vehicle, unless the person who accompanies the beneficiary remains in the vehicle waiting for the beneficiary to return".