

THE IMPORTANCE OF ENSURING THAT A BUSINESS IS OPERATING LEGALLY

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Discriminating between circumstances which involve a personal situation and a legal one is a skill that we lawyers have to be very careful about, so that there is always a balance between the two. Certainly, we will not always be able to function under the capacity of a lawyer only, as there are other factors in which we have to find the balance, such as, for example, functioning as a father, a husband, a human being.

Recently, I had the personal misfortune as a father to have to deal with an accident of my youngest daughter who was injured during her rhythmic gymnastics lessons and, as a result, the injury was so bad that it was followed by surgery to reset her broken arm, with all the consequences that surgery can bring about in such an accident.

The reason why I am writing this now is because in Cyprus, unfortunately too often, many businesses, schools and/or shops operate contrary to the regulations and/or break the law and/or ignore the regulations so that usually people are not aware when they visit a shop, a dance school, a rhythmic school or any business enterprise, if it is actually operating according to the regulations and if they provide all the safety measures and if the owners of these businesses have the ability to cope immediately with a risk and/or even more important to take steps to avoid risk.

My own experience in relation to my youngest daughter's accident brought to the surface an issue which unfortunately, and I say unfortunately because if I was only acting as a father and not as a lawyer as well, I would probably not have delved deeper into the incident, since the rhythmic gymnastics institute in question, which is openly advertised and promoted and has participated in many competitions, showed no sign of not being properly licensed. To my surprise, however, after the accident, I discovered that the rhythmic gymnastics institute in question did not, and still does not, have the necessary licence to operate that specific category of activity.

This licence is designed to ensure that businesses operate within the legal framework, to maintain standards and protect public interest, and the licensing regulations vary significantly depending on the nature of the business, with some businesses requiring licences from different licensing boards.

But honestly, how many of us go through the process of checking whether these businesses are actually operating properly, and the significant question here is, are we, as citizens obliged to go through this process? Or should the State itself be more rigorous in its controls and carry out more frequent checks as to whether a business is operating lawfully?

Should the control mechanisms perhaps be changed? Perhaps there should be a body whereby a company is audited every time it opens, so that it can be checked immediately as to whether the staff or the company as a whole is taking the necessary safety measures?

On a personal level, through this article, I would really like to bring the awareness to all of you to check the enterprise that you either personally visit or to whom you entrust your children, to check what kind of licences they should have in their possession, so that at least you ask the question and do a formal check before you utilise the services of this business.

I will list below some businesses with which you may have contact and which your children may be visiting on a regular basis so that you can understand what kind of licences these businesses need, according to health and safety regulations, and always in accordance with the law of the Republic of Cyprus.

As an example, Judo trainers need either a degree with a judo specification or a 3rd Dan rank from the International Judo Federation (IJF). Karate trainers require a degree specialising in karate or a 3rd Dan certification from the World Union of Karate-do Organizations (WUKO).

Another example is that of Hair Salons and Beauty Salons which require an operating licence from the Cyprus Council of Registration for Hairdressers and Barbers under the Ministry of Energy, Commerce and Industry. Employees of these Salons must be qualified and registered as aestheticians or hairdressers who have completed approved training, and each registered hairdresser or barber must hold a professional licence which is renewable annually on payment.

Salons must adhere to hygiene regulations, particularly for equipment that contacts clients' skin or hair, ensuring sterilization and proper sanitation practices. The operating licence and a sign indicating 'registered hairdresser' or 'registered barber' must be clearly displayed.

In conclusion, by failing to understand and appreciate the need for specific licences required by different businesses, and by not ensuring compliance of the regulations pertaining to the specific enterprise's framework, and operating a business without a valid licence, can result in various penalties, including fines, legal action, and even ultimately to the closure of the business.

It is the obligation of every business to ensure that the licensing requirements are fully met and to comply with the regulations, before commencing operations.

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