



SUPPLEMENT No. 2
T O
THE SOVEREIGN BASE AREAS GAZETTE
No. 679 of 19th March, 1984.
L E G I S L A T I O N

ORDINANCE 1 OF 1984.

AN ORDINANCE

TO AMEND THE SOCIAL INSURANCE (FACILITATION OF
REPUBLICAN SOCIAL INSURANCE SCHEME) ORDINANCE, 1980.

H. D. A. LANGLEY,
ADMINISTRATOR

12th March, 1984.

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

1. This Ordinance may be cited as the Social Insurance (Facilitation of Republican Social Insurance Scheme) (Amendment) Ordinance, 1984 and shall be read as one with the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance, 1980 as amended by the Social Insurance (Facilitation of Republican Social Insurance Scheme) (Amendment) Ordinance, 1983 (hereinafter referred to as “the principal Ordinance”).

Short title.

Ordinances
16/80 and 5/83.

2. Section 4 of the principal Ordinance is hereby amended by deleting the words “which follows the date” appearing in the first and second lines of paragraph (b) of subsection (2) thereof and substituting therefor the words “commencing on or after the date”.

Section 4 of
the principal
Ordinance
amended.

3. Section 11 of the principal Ordinance is hereby amended by deleting the words “following the date” appearing in the first and second lines of paragraph (b) of subsection (2) thereof and substituting therefor the words “commencing on or after the date”.

Section 11 of
the principal
Ordinance
amended.

A. J. CRAGG,
Chief Officer.

12th March, 1984.
(133 B)

ORDINANCE 2 OF 1984.

AN ORDINANCE

**TO AMEND THE SURCHARGE (IMPORTED GOODS)
(TEMPORARY PROVISIONS) ORDINANCE, 1977.**

H. D. A. LANGLEY,
ADMINISTRATOR

13th March, 1984.

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

Short title.

1. This Ordinance may be cited as the Surcharge (Imported Goods) (Temporary Provisions) (Amendment) Ordinance, 1984 and shall be read as one with the Surcharge (Imported Goods) (Temporary Provisions) Ordinance, 1977 as amended from time to time (hereinafter referred to as "the principal Ordinance").

Ordinances
7/77, 13/78, 4,
10, and 11/80.

Section 3 of
the principal
Ordinance
repealed and
replaced.

2. The principal Ordinance is hereby amended by repealing Section 3 thereof and substituting therefor the following new Section:—

"Imposition
of surcharge.

3. There shall be levied and collected, in accordance with Customs legislation, a surcharge of six per centum (6%) on the dutiable value of any imported goods cleared for consumption in the Island of Cyprus, as prescribed in Customs legislation."

Section 4 of
the principal
Ordinance
repealed and
replaced.

3. Section 4 of the principal Ordinance is hereby amended by repealing Section 4 thereof and substituting therefor the following new Section:—

"Application
of Customs
legislation.

4. The surcharge shall be paid by every person in accordance with the provisions of Customs legislation and all provisions thereof, including

those relating to offences, shall apply *mutatis mutandis*, save and except that the provisions of Customs legislation relating to customs and excise exemptions or to the refund of duty shall not apply :

Provided that :—

(a) The surcharge shall not be levied :—

Ordinances
12/69, 9/71, 2/75,
4/77 and 8/77.

(i) if they are imported under Section 31, 32 and 35 of the Customs and Excise Ordinance, 1969 ;

(ii) if they are set out in Chapters 1 to 7, 9 to 21, 23 and 30 and sub-heading 90 of tariff heading 11 of Chapter 38 of the Second Schedule to the Customs and Excise Duties Ordinance, 1978, excluding goods set out in the following tariff headings :—

01.01.10	16.05.10	21.07.20
02.04	17.04.90	21.07.30
03.02.10	18.06.90	21.07.41
03.03.10	19.08	21.07.49
05.09.10	20.06.10	21.07.50
06.03	21.02	23.07.10
06.04	21.03	
16.04.10	21.04	

(iii) if they are raw materials imported for use in the manufacture of pharmaceutical products under Chapter 30 or pesticides or insecticides under sub-heading 90 of tariff heading 11 of Chapter 38 of the Second Schedule to the Customs and Excise Duties Ordinance, 1978 ;

(iv) if they are exempt from duty under sub-heading 01, 02, 05B(a), 05B(b), 05B(c) and 15 of item 01, sub-heading 84 of item 03 and by the Red Cross of Cyprus under sub-heading 05A of item 01 of the Fourth Schedule to the Customs and Excise Duties Ordinance, 1978 ;

(v) if they are imported for or on behalf of a public organization established or recognized in the public interest under an Ordinance or a Republican Law, the capital of which was granted or was guaranteed by the Republic and which organization is eligible for relief from any rate, tax or duty payable under any Ordinance or Republican Law on machinery installations, vehicles, equipment and other articles imported for use in respect of or for the interests of the organization but not intended for sale to the public ;

- (vi) if the amount payable is under 50 cents :
- (b) A surcharge of three and a half per centum (3.5%) shall be levied on the dutiable value of fuel oil under Tariff heading 27.10.30 imported for use in the production of cement ;
- (c) The surcharge shall be refunded if the goods imported are liable to a refund of duty under Section 13 and the Fifth Schedule to the Customs and Excise Duties Ordinance, 1978 or exported goods contain other goods (including packing materials) on which the surcharge has been levied.”.

13th March, 1984.
(119/13)

A. J. CRAGG,
Chief Officer.

AN ORDINANCE

**TO MAKE FURTHER PROVISIONS FOR THE RELIEF OF
DEBTORS IN THE SOVEREIGN BASE AREAS AND FOR
MATTERS INCIDENTAL THERETO.**

H. D. A. LANGLEY,
ADMINISTRATOR

15th March, 1984.

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

1. This Ordinance may be cited as the Debtors Relief (Temporary Provisions) Ordinance, 1984. Short title.

2. In this Ordinance unless the context otherwise requires— Interpretation.

“action” includes any proceedings under the Civil Procedure Ordinance before either Court ;

Cap. 6 (Laws of Cyprus), Ordinances 18/66, 9/70 and 3/83.

“affected property” means immovable or movable property which because of the conditions prevailing in the Island of Cyprus since the 20th July 1974, has become inaccessible to the owner or the person who was in lawful occupation immediately before that date ;

“credit sale agreement” means an agreement for the sale of property under which the purchase price is not immediately payable but the whole or part thereof is payable at some future date by instalments ;

“debt” includes all monetary liabilities of any nature whatsoever, secured or unsecured, whether payable under a judgment or order of a court or under any contract or hire purchase agreement or credit sale agreement in respect of any property and whether such liabilities are payable presently or not but does not include any sums —

Ordinance 8/64.

(a) recoverable as a tax or duty under the Tax Collection Ordinance ;

Cap. 155 (Laws of Cyprus) Ordinances, 4/60, 19/63, 1/66, 2/72, 2/73, 10/75, 4/78 and 11/79.

(b) due as a penalty imposed under the Criminal Procedure Ordinance ;

Cap. 15 (Laws of Cyprus).

(c) in an action the recovery of which is barred under the provisions of any Ordinance relating to the Limitation of Actions Ordinance in force for the time being ;

(d) due as compensation for personal injury or death as a result caused by the commission of any offence ;

Cap. 333 and Law 7/60 (Laws of Cyprus), Ordinance 5/66.

(e) due as insurance premium for the insurance of any motor vehicle required under the provisions of the Motor Vehicles (Third Party Insurance) Ordinance ;

(f) in respect of a debt incurred after 14th August, 1974 excluding however sums arising from a debt incurred prior to the 14th August, 1974 but incorporated by means of transfer, renewal, lumping or otherwise into a new debt after the 14th August, 1974 ;

“debtor” means any debtor for any debt and includes a judgment debtor, a mortgagor, a joint debtor and guarantor ;

Cap. 6 (Laws of Cyprus) Ordinances, 18/66 and 9/70. Ordinances, 16/66, 14/70 and 8/78.

“forced sale” means a sale of property ordered by judgment for execution in any way provided by the Civil Procedure Ordinance or by writ of sale under the Immovable Property (Transfer and Mortgage) Ordinance 1966, or for the satisfaction of any attachment or lien or by any person acting as trustee in bankruptcy or receiver and includes any forfeiture of property or other preliminary proceedings taken or being taken under the aforesaid Ordinance for the forced sale as well as any issue of a foreclosure order in the hands of a third party under Part VII of the Civil Procedure Ordinance ;

Ordinance 13/66.

“hire purchase agreement” has the meaning assigned to such expression by Section 2 of the Hire Purchase, Credit Sale and Hiring of Property (Control) Ordinance, 1966 ;

Cap. 224 (Laws of Cyprus), Ordinance 12/66.

“immovable property” has the meaning assigned to such expression by Section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance ;

Cap. 142 (Laws of Cyprus)

Ordinance 13/66.

“interest” means the reward or compensation for the use or retention by one person of a capital sum owed or due to another person and includes any amount, by way of fees, costs, charges or expenses or in any other form, payable in excess of the capital sum to the person entitled to the capital sum in consideration of or in respect of the use or retention of the capital amount, but does not include sums lawfully charged under the provisions of the Moneylenders Ordinance or under the provisions of the Hire Purchase, Credit Sale and Hiring of Property (Control) Ordinance 1966, by a moneylender or creditor, as the case may be, for rent, hire purchase fees, costs, charges or expenses ;

“movable property” means tangible things of any kind, other than immovable property, and includes any rights or interests over such property ;

"stricken debtor" means any debtor whose residence or principal trade premises have been rendered inaccessible to him or whose trade or business have been injuriously affected to such a degree that he cannot meet the contractual liabilities arising out of a debt because of (in any such case) the conditions prevailing in the Island of Cyprus since the 20th of July 1974 and includes any joint debtor and guarantor of any such debtor and any debtor whose whereabouts since the said date cannot with reasonable diligence be ascertained or whose death since such date cannot be proved.

3.—(1) Notwithstanding anything in any other Ordinance contained and subject to the provisions of Section 4 of this Ordinance, during the operation of this Ordinance and in any case during the period which commenced on the 15th of August, 1974, the right of all creditors to collect debts due by stricken debtors is suspended and all forced sales which were pending at the time of the coming into operation of this Ordinance relating to immovable or movable property within the Areas for the satisfaction of a debt arising from the sale, mortgage, pledge or any other charge subsisting on any affected property shall be stayed.

Suspension of the right to collect debts and *ipso facto* stay of execution of forced sales.

(2) The stay of execution under this Section of the Ordinance shall suspend the effective period of any warrant for the said sale or receiving order or winding up order in respect thereof.

4.—(1) Notwithstanding anything in any other Ordinance contained, during the continuance of the period stipulated in subsection (1) of Section 3 of this Ordinance, no interest shall be charged, or collected on a debt due by a stricken debtor.

Special provisions in respect of interest.

(2) Any interest that may have been charged or calculated or paid by a stricken debtor for the period from 15th August, 1974 until the date of the coming into effect of the present Ordinance shall be deemed as charged, calculated or paid, as the case may be, against the remainder of the debt.

(3) If the debt had been repaid during the period stipulated in subsection (2) of this Section and in the manner thereby provided or if the remaining amount of the debt is lower than the amount of the interest so charged, calculated or paid, as the case may be, the creditor shall have to repay to the stricken debtor the difference within three months of the date of the present Ordinance coming into effect.

5.—(1) A property, the forced sale or a receiving or winding up order whereof has been stayed under the provisions of this Ordinance, shall not be sold, donated, mortgaged, pledged or in any way transferred or charged by the debtor.

Prohibition of alienation.

(2) Any debtor who contravenes subsection (1) of this Section of the Ordinance is guilty of an offence and is liable to imprisonment not exceeding three years or to a fine not exceeding three hundred pounds or both.

6. Notwithstanding anything in any other Ordinance contained, in the calculation of the limitation period for any action, there shall not be included the time during which the right of action is suspended under the provisions of this Ordinance.

Extension of limitation period.

Pending actions.

7. The provisions of this Ordinance shall apply to all pending actions for the issue of an order by a competent Court on any application thereto under the Ordinance repealed by this Ordinance provided that the Court in the consideration of such actions may issue such order in respect of costs as the Court may deem proper under the circumstances.

Powers of the Court.

8.—(1) The Judge's Court shall hear and adjudicate on any dispute arising out of the implementation of this Ordinance and on any matter incidental or supplementary thereto.

(2) The Judge's Court during any hearing under the provisions of subsection (1) of this Section, shall not, subject to any Rules of Procedure, be bound by the law of Evidence in force for the time being, provided that a witness refusing to answer any question, which in the view of the Court tends to incriminate him shall not be compelled to answer such question and shall not be liable to prosecution for such refusal.

Judge's Court's powers to state a case for the Senior Judge's Court.

9.—(1) The Judge's Court may at any stage during the proceedings reserve for consideration by the Senior Judge's Court any legal points arising from such proceedings by referral in the form of case stated which :

- (a) shall be prepared by the Judge's Court and shall state briefly the facts on which the Ordinance shall apply and the legal point or points on which judgment will be given ;
- (b) shall be despatched by the Senior Registrar of the Court to the Senior Judge ;
- (c) shall be lodged for consideration in the manner in which the Senior Judge's Court may direct.

(2) The Senior Judge's Court shall hear and adjudicate on the legal point or points arising from such special case stated and accordingly may refer the matter to the Judge's Court with the Senior Judge's Court ruling thereon and such ruling shall be binding on that Court.

Commencement.

10. This Ordinance shall be deemed to have come into operation on 23rd March, 1979 and shall expire on such date as the Administrator may direct by notice in the Gazette.

Repeal. Ordinances 3/76 and 6/77.

11. The Debtors Relief (Temporary Provisions) Ordinance is hereby repealed.

15th March, 1984.

(118/4)

P. A. ROTHERAM,
Acting Chief Officer.