



SUPPLEMENT No. 2
T O
THE SOVEREIGN BASE AREAS GAZETTE
No. 681 of 12th April, 1984.
L E G I S L A T I O N

ORDINANCE 4 OF 1984.

AN ORDINANCE

TO PROVIDE DESIGNATED STANDARDS TO BE APPLIED
TO COMMODITIES OR MATERIALS DEALT WITH IN THE
SOVEREIGN BASE AREAS AND TO MATTERS RELATING
THERETO.

H. D. A. LANGLEY,
ADMINISTRATOR

3rd April, 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 Standards and Control of Quality Ordinance, 1984. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.
 - “Area Officer” includes any officer of the Administration acting on his behalf and with his authority;
 - “commodity” means an article, product, good, material or substance of trade, industry or agriculture;
 - “Cyprus Standard” shall have the same meaning as “Standard” as defined in this Section;
 - “premises” includes—
 - (a) a place where any business, industry, production or trade is carried on by a person, whether by himself or through an agent, by whatever name called;
 - (b) a warehouse, or other place where any commodity is stored, kept or exhibited;

- (c) a place where any books of account or other documents pertaining to any trade or transaction are kept ;
- (d) premises used as a dwelling house, if any part thereof is used for the purpose of carrying on of any business, industry, production or trade ;

“Standard” means—

- (a) the specification or description of a commodity including one or more of the following matters that is to say the name of the commodity, the classification, grading, composition, weight, quantity, dimensions, properties, performance or characteristics of the commodity or part thereof ;
- (b) the specification of methods of test or measurement of a commodity or parts thereof and of the procedures for sampling and inspection as regards the matters in paragraph (a) of this definition ;
- (c) the specification of the packaging of a commodity or the labelling thereof ;
- (d) the specification (which is called “code of practice”) of recommended methods for the production, use, maintenance, installation or assembly of a commodity or group of commodities ;
- (e) the specification of the nature and method for the marking of a commodity ;
- (f) the specification of unified systems or methods for attaining greater efficiency in industry and trade ;

“standard mark” means the mark declared under the provisions of subsection (1) of Section 5 of this Ordinance to be a standard mark for a commodity in respect of the manufacture, production, treatment or processing thereof.

Designated
Standard.

3. The Administrator may, by regulation and after consideration of Republican legislation dealing with the same matters in the Republic, or after consultation with the appropriate Authorities of the Republic in contemplation of such Republican legislation, designate a specified *Standard* to be known in the Sovereign Base Areas as a *Cyprus Standard*, and to be applied without exception throughout the Sovereign Base Areas, and no person may manufacture, import, sell or otherwise trade in any commodity or material to which such designated Standard has been made applicable by any such Regulation unless the commodity or material is in accordance with the provisions of the Standard, except in so far as the Administrator may so declare in the Regulation.

Restriction of
the use of the
word Standard.

4. No person shall carry on activities under a name or use any trade mark which contains the word “Standard”.

Standard
Mark.

5.—(1) The Administrator may, by Notice to be published in the Gazette, declare any mark adopted by him in respect of a Standard designated in a Regulation made under the provisions of Section 3 of this Ordinance for the manufacture, production

or processing or treatment, of or in dealing in any other way with a commodity, to be a Standard Mark for that commodity and in like manner may abolish or amend any such mark.

(2) No person may apply a Standard Mark to any commodity except under a licence issued by the Chief Officer and unless that commodity conforms to the relevant Standard designated by the Administrator. For the purpose of this subsection, a person shall be deemed to have applied a Standard Mark to a commodity if he applies it to any receptacle, covering or label for that commodity or makes any reference in connection with the sale of that commodity which might convey the impression that the commodity complies with the Standard to which that Standard Mark relates.

(3) The Chief Officer shall have power, to issue or refuse to issue a licence under subsection (2) of this Section and any such licence may be issued for such period and under such conditions as he may specify. For the purposes of this subsection "Chief Officer" includes any person acting under his authority.

(4) The Chief Officer shall, at any time, have power to —

- (a) revoke a licence, in case a licence contravenes any provision of this Ordinance related to the licence or the application or the conditions thereof or any Regulations made thereunder related to the licence, or any of the conditions contained in the licence or in any such Regulation, or in case of non-compliance with any such provision or condition ;
- (b) suspend a licence temporarily, for a period not exceeding in each case ninety days, by reason of any contravention or non-compliance, as mentioned in paragraph (a) above, provided that such contravention or non-compliance is of a temporary nature.

6. For the purpose of performing the duties assigned to them by or under this Ordinance, the Area Officer shall have power—

Power of
Area Officer.

- (a) at any time during usual business hours to enter upon any premises in which any commodity, practice, or process, in respect of which a licence has been granted under the provisions of Section (5) of this Ordinance is manufactured or employed by a licensee, with a view to ascertaining whether the Standard Mark is being used in accordance with the conditions specified by the Administrator in Regulations made under the provisions of this Ordinance.
- (b) to inspect and take samples of any commodity or any material used or intended to be used in the manufacture of such commodity which is marked with a Standard Mark ;
- (c) to inspect any process in respect of which the licensee has been authorised to use the Standard Mark ;
- (d) to examine the records kept by the licensee relating to the use of the Standard Mark ;

- (e) at any time during the usual business hours to enter the business premises of any person who is not licensed and in respect of whom they have reasons to believe that a Standard Mark prescribed for any commodity or process is being used or affixed by such person on any commodity manufactured, produced, processed or treated by him in contravention of the provisions of this Ordinance or of any Regulations made thereunder and inspect any operation carried out in or upon such premises and take samples of any such commodity or material used or believed to be used in the manufacture, production, processing or treatment of such commodity or open any package or container which contains or is believed to contain any quantity of any such commodity, material or substance ;
- (f) at any time during the normal business hours to enter the business premises of any person in respect of whom they have reasons to believe that a commodity, to which a designated Standard had been made applicable by any Regulation made under the provisions of Section 3 of this Ordinance, is manufactured, produced, processed or treated by any person in contravention of the provisions of this Ordinance or any Regulations made thereunder and to inspect any operation carried out in or upon such premises and to take samples of any such commodity or material used or believed to be used in the manufacture, processing or treatment of such commodity or open any package, or container which contains or is believed to contain any quantity of any such commodity, material or substance.

Obstruction of
Area Officer etc.

7. Any person who—

- (a) obstructs the entry of the Area Officer to any premises in which a practice or process is carried on under licence for the purpose of—
 - (i) ascertaining whether the Standard Mark is being used in accordance with the conditions imposed by the Administrator and whether the scheme of routine inspection, examination, testing and quality control specified by the Administrator is being faithfully followed ;
 - (ii) inspecting and taking samples of any such commodity or any material used or intended to be used in the manufacture of such commodity which is marked with a Standard Mark ;
 - (iii) inspecting any process or practice of such premises in respect of which the licensee has been given the authority to use the Standard Mark ; or
 - (iv) examining the records kept by the licensee relating to the use of the Standard Mark ;
- (b) in any way obstructing the Area Officer in the exercise of his duties under this Ordinance or under any Regulation made thereunder,

shall be guilty of an offence against the provisions of this Ordinance.

8. The fact that any commodity, process or practice conforms or is alleged to conform to a standard specification or the fact that a Standard Mark is used in connection with any commodity or material shall not give rise to any claim against the Crown, or any Public Authority of the Areas or the Republic.

Protection of the
Administrator,
etc.

9. Any person who—

Offences and
Penalties.

- (a) counterfeits any seal or any certification mark specified by or under this Ordinance ;
- (b) uses, registers or affixes a mark which is identical with any mark which has been duly declared to be a Standard Mark or so nearly resembles such a mark as to be likely to be mistaken for it ;
- (c) gives information to the Area Officer which they may require in the exercise of their duties and which the person giving the same either knows or has reason to believe to be false ;
- (d) sells, offers or exposes for sale or otherwise disposes of any commodity which he knows or has reason to believe to bear thereon a counterfeit certification mark ;
- (e) modifies or otherwise alters any licence issued or renewed under this Ordinance or under any Regulation made thereunder, otherwise than in accordance with any authorization given by the Chief Officer or any person acting under his authority,

shall be guilty of an offence under the provisions of this Ordinance.

10.—(1) Any employer who knows or has reasons to believe that any person employed by him has, in the course of such employment, contravened any provision of this Ordinance or of any Regulation made thereunder, shall be deemed to have abetted the contravention of such provisions :

Liability of
Employer.

Provided that no such abetment shall be deemed to have taken place if the employer has, before the expiry of seven days from the date on which—

- (a) contravention comes to his knowledge ; or
- (b) he formed the reasonable belief that the contravention has taken place,

notified to the Chief Officer the name of the person by whom such contravention was made, the date and other particulars of such contravention.

(2) Any person who is deemed by virtue of subsection (1) to have abetted the commission of an offence in contravention of this Ordinance shall be liable to the same penalties as if he had contravened the relevant provision.

Offences by
Companies and
liability of
officers thereof.

11.—(1) Where the person committing an offence under this Ordinance is a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business thereof shall be guilty of an offence and shall on conviction be liable to the penalties provided for in this Ordinance:

Provided that nothing in this subsection contained shall render any person criminally liable if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any Director, Secretary or other officer of such company, such Director, Secretary or other officer shall also be guilty of that offence and shall on conviction be liable to the penalties provided for in this Ordinance.

For the purposes of this Section—

- (a) "company" includes any body, corporate or unincorporate; and
- (b) "director", in relation to a partnership, includes also a partner.

Penalties not
specifically
provided for.

12. Any person who contravenes or fails to comply with any of the provisions of this Ordinance or of any order or Regulation made thereunder, for which no penalty is specially provided, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months, or to both such penalties and, in the event of a second or subsequent conviction, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years, or to both such penalties.

3rd April, 1984.

(105/14)

A. J. CRAGG,
Chief Officer.