



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1123 of 8th April, 1998
LEGISLATION

ORDINANCE 3 OF 1998

AN ORDINANCE
TO AMEND THE ANTIQUITIES ORDINANCE

A. I. RAMSAY
ADMINISTRATOR

3rd April, 1998.

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 Antiquities (Amendment) Ordinance 1998 and shall be read as one with the Antiquities Ordinance 1975 as amended from time to time (hereinafter referred to as "the principal Ordinance").

Short title.

Ordinances 7/81
and 2/96.

2. Section 2 of the principal Ordinance is hereby amended by deleting the definition of the word "antiquity" therein and substituting therefor the following new definition:

Section 2 of the
principal
Ordinance
amended.

"antiquity" means any object, whether movable or immovable or part of any immovable property, which is a work of architecture, sculpture, inscription, painting or any other form of art produced by human agency before the year 1850 A.D. which is discovered or excavated in the Sovereign Base Areas or the Republic of Cyprus or recovered from the sea within the territorial waters of the Sovereign Base Areas or the Republic of Cyprus and includes any such object or part thereof which has at a later date been added to, reconstructed, restored or substituted:

Provided that in the case of works of ecclesiastical or folk art of the highest archaeological, artistic or historic significance, the year 1940 A.D. shall be substituted for the year 1850 A.D. irrespective of their place of origin or construction".

3. Section 4 of the principal Ordinance is hereby amended as follows:

Section 4 of the
principal
Ordinance
amended.

- (a) By deleting the words in lines five and six of subsection (1) thereof "or to such other person as he may appoint in that behalf" and substituting therefor the words "or to the nearest Police Station in the Sovereign Base Areas or the Republic or to the Curator of the Cyprus or District or local Museum in the Republic"; and

- (b) by adding immediately after the words "full description" in line three of subsection (2) thereof the words "where possible".

Section 10 of the principal Ordinance amended.

4. Section 10 of the principal Ordinance is hereby amended by adding immediately after subsection (3) thereof the following new subsections:

"(4) In addition to any other penalty prescribed by this section the Judge's Court may order any person convicted of an offence under subsection (3) of this section, to remove any refuse, rubbish or litter in respect of which the offence was committed;

(5) If any person against whom an order has been made under the provisions of subsection (4) of this section fails to comply with such order within the time specified therein, it shall be lawful for the Chief Officer to carry out such order and any costs incurred for the carrying out thereof shall be deemed to be a penalty within the meaning of the Criminal Procedure Ordinance and recoverable under the provisions of Part IV thereof.

(6) Any person who is found in possession of a metal detector in or in the vicinity of an archaeological site or ancient monument or who uses such apparatus anywhere within the Sovereign Base Areas with the intention of detecting antiquities, is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding three hundred pounds or to both such penalties".

Section 11 of the principal Ordinance amended.

5. Subsection (1) of section 11 of the principal Ordinance is hereby amended by inserting immediately after the word "felled" in line eight thereof, the words "and no advertisement shall be displayed".

New Section 11A inserted in the principal Ordinance.

6. The principal Ordinance is hereby amended by inserting immediately after section 11 thereof, the following new section to be numbered 11A:-

"Power of Court to order suspension of works.

11A.-(1) The Judge's Court before which a charge is brought against a person for an offence contrary to subsection (4) of section 8 or subsection (4) of Section 11 may, on ex parte application, order that any further works of alteration, addition, repair, demolition, erection or reconstruction be stayed until the final determination of the case.

Cap.6 (Laws of Cyprus) and Ordinances 18/66, 9/70, 3/83 and 22/89. Ordinances 3/60, 7/61, 19/62, 5/63, 3/65, 9/77, 12/84 and 6/88.

(2) The issue of an Order under subsection (1) of this Section shall be subject to the provisions of the Civil Procedure Ordinance, the Courts Ordinance and the Civil Procedure Rules.

(3) Any person against whom an Order has been made under subsection (1) of this section who disobeys or fails to comply with such an Order, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds or to both such imprisonment and fine."

Section 23 of the principal Ordinance amended.

7. Section 23 of the principal Ordinance is hereby amended as follows:

- (a) By inserting immediately after subsection (1) thereof the following new subsections (2), (3), (4), (5) and (6) and by renumbering the existing subsection (2) as (7):

- “(2) Any licence issued under subsection (1) of this section shall be subject to such terms and conditions as the Chief Officer may deem fit to impose.
- (3) Any licence issued under subsection (1) of this section may be revoked by the Chief Officer on the following grounds -
- (a) If it was obtained by fraud, misrepresentation or non-disclosure of a material fact;
 - (b) where the licensee is found to be in breach of any of the provisions of this Ordinance or the Regulations made thereunder;
 - (c) where the licensee is found to be in breach of any of the terms and conditions which were imposed.
- (4) The Chief Officer may, if requested by the appropriate authorities of the Republic, intervene in any transaction involving the sale of an antiquity and acquire the said antiquity upon payment of the price agreed between the seller and the prospective purchaser.
- (5) The sale, disposal or any other transaction in relation to an antiquity in any private collection which the Chief Officer deems in its entirety to be of special archaeological or historical significance is hereby prohibited.
- (6) No person may lawfully acquire an antiquity other than-
- (a) from the Cyprus Museum;
 - (b) a person licensed to deal in antiquities under subsection (1) of this Section;
 - (c) from any other person lawfully in possession of an antiquity under the provisions of the Ordinance.”;
- (b) by inserting in subsection (1) thereof as this has been renumbered, immediately after the words and number “as subsection (1)” in line one the word and numbers “(5) or (6)”.

8. The principal Ordinance is hereby amended by inserting immediately after section 29 thereof the following new section to be numbered 29A:

New Section 29A
added to the
principal
Ordinance.

“Exemption from
liability.

29A.-(1) No person in possession of any antiquity not included in a list furnished to the Chief Officer under the provisions of section 29 of the Ordinance shall be prosecuted for an offence against that section provided that within six months from the date of commencement of this Ordinance he notifies the Chief Officer of his possession of such an antiquity:

Provided that the Chief Officer may, whenever he considers that any antiquity the possession of which is notified to him under the provisions of this section, is absolutely essential for the Cyprus Museum, order that the holder of such antiquity shall deliver the same in accordance with the directions contained in the said Order or allow the holder to continue to have it in his possession subject to such terms and conditions as he may deem fit.

(2) Where the Administrator makes an order for the delivery of any antiquity under this section, a reasonable amount of money by way of reward shall be payable to the holder for the safeguarding and keeping of the antiquity for the time it had been in the possession of the holder.

(3) Any person lawfully in possession of an antiquity under the provisions of this Ordinance shall be entitled to apply to the Chief Officer for the issue of a Certificate to that effect; and

(4) Upon receipt of such application and upon payment of such fees as may from time to time be prescribed under Regulations made under this Ordinance, the Chief Officer shall issue a Certificate in the prescribed form.

Section 30 of the principal Ordinance amended.

9. Section 30 of the principal Ordinance is hereby amended by inserting immediately after the word "disposes" in line one of subsection (1) the words "and any person who acquires".

Section 32 of the principal Ordinance amended.

10. Section 32 of the principal Ordinance is hereby amended as follows:

- (1) By deleting paragraphs (a) and (b) of subsection (1) ;
- (2) by renumbering paragraphs (c), (d) and (e) of subsection (1) as paragraphs (h), (i) and (k);
- (3) by inserting in subsection (1) the following new paragraphs:
 - (a) for regulating the issue of licences or permits under this Ordinance and for the prescribing of forms;
 - (b) for determining the terms and conditions which may be imposed and the fees which shall be paid in respect of any licence or permit;
 - (c) for determining the type and period of duration of licences or permits issued under this Ordinance;
 - (d) for determining the duties and obligations of persons granted such licences or permits issued under this Ordinance;
 - (e) for regulating the issue of licences for the use of ancient monuments and museums for public performances, cultural displays, shows and ceremonies, and the imposition of fees or duties for such use;
 - (f) for regulating the taking, design or trade of photographs, films, copies, moulds or micrography of ancient monuments and antiquities and for determining the fees or duties payable for such taking, design or trade;
 - (g) for providing offences and the imposition of fines not exceeding five hundred pounds".

3 April, 1998
(108)

P.A. ROTHERAM,
Chief Officer.

ORDINANCE 4 OF 1998

**AN ORDINANCE
TO PROVIDE FOR THE COMBATTING OF LITTER
ON PUBLIC ROADS AND IN PUBLIC PLACES**

A. I. RAMSAY
ADMINISTRATOR

6th April, 1998.

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 Prevention of Litter Ordinance 1998.

Short title.

2. In this Ordinance -

Interpretation.

“authorised person” means a person authorised by the Chief Officer to exercise powers under section 4 of the Ordinance;

“public place” means any open space to which the public are entitled to have access without payment;

“public road” has the meaning assigned to it by the Public Roads (Protection) Ordinance.

Cap.83 (Laws of Cyprus) and Ordinance 27/61.

3. - (1) If any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves any thing whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this section applies, he shall, subject to subsection (2) below, be guilty of an offence.

Offences of leaving litter.

(2) No offence is committed under this section where the depositing and leaving of the thing was -

(a) authorised by law, or

(b) done with the consent of the owner, occupier or other person or authority having control of the place in or into which that thing was deposited.

(3) This section applies to any public road and any public place.

(4) A person who is guilty of an offence under this section shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds or to both such penalties.

Fixed penalty
notices for leaving
litter.

4. - (1) Where on any occasion a police officer or any other authorised person finds a person who he has reason to believe has on that occasion committed an offence under section 3 above, he may give that person a notice offering him the opportunity of avoiding prosecution for that offence by payment of a fixed penalty.

(2) Where a person is given a notice under this section in respect of an offence -

- (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
- (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.

(3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state -

- (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid;

and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(4) Where a letter is sent in accordance with subsection (3) above payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(5) The form of notices under this section shall be such as the Administrator may by order prescribe.

(6) The fixed penalty payable in pursuance of a notice under this section shall be ten pounds.

(7) The payment of a fixed penalty shall not be treated as a conviction for an offence under this Ordinance.

Regulations.

5. The Administrator may make Regulations with regard to any matter which concerns the application of this Ordinance.

6 April, 1998
(144/1)

P.A. ROTHERAM,
Chief Officer.



