



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1342 of 10th August 2004
LEGISLATION

ORDINANCE 20 OF 2004

AN ORDINANCE
TO PROVIDE FOR THE EXPORT OF CULTURAL ITEMS
AND THE RECOGNITION WITHIN THE SOVEREIGN
BASE AREAS OF THE COMMITTEE AND THE
COMPETENT AUTHORITIES ESTABLISHED WITHIN
THE REPUBLIC OF CYPRUS FOR THE GRANTING OF
EXPORT LICENCES

P. T. C. Pearson CBE
ADMINISTRATOR

6th August 2004.

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

PART 1 – PRELIMINARY PROVISIONS

- 1.** This Ordinance may be cited as the Export of Cultural Items Ordinance 2004. Short title.
- 2.** In this Ordinance unless the context otherwise requires— Interpretation.
- “Committee” means the Committee established in accordance with section 5 of the corresponding Republican Law;
- “competent authority” means an authority appointed under section 4 of the corresponding Republican Law;
- “corresponding Republican Law” means the Export of Cultural Items Law of the Republic No. 182(I)/2002 and includes any legislation of the Republic amending or substituting that Law and any subordinate legislation made under that Law or under any such amending or substituting legislation;
- “cultural item” means any item falling within the Annex to Council Regulation (EEC) No. 3911/92 of 9th December 1992 on the export of cultural goods, as may be amended from time to time;
- “export licence” means a licence as provided for by section 5.

Application.

3. The provisions of any existing Ordinance regulating any cultural item shall have effect subject to the provisions of this Ordinance.

PART II – RECOGNITION OF THE COMPETENT AUTHORITIES AND THE COMMITTEE

Recognition of Competent Authorities and the Committee.

4. Subject to the provisions of this Ordinance, the competent authorities and the Committee shall each be recognised in the Areas as if each had been established under the provisions of this Ordinance and shall each have the same powers in the Areas as those conferred upon each of them under the corresponding Republican Law for the purpose of carrying out their objects as specified in the same enactment.

Prohibition of export without licence.

5.—(1) Any cultural item is prohibited to be exported to any third country except under the authority of a licence in writing granted by the Committee (whether in the form of standard licence or a general open licence) and in accordance with all the conditions attached to the licence.

(2) An application for an export licence shall be made as provided for by the corresponding Republican Law.

(3) The decision of the Committee on any application for an export licence in respect of a cultural item located in the Areas shall be notified to the Fiscal Officer as soon as reasonably practicable after the taking of the said decision.

PART III – EXPORT PROCEDURE

Customs offices authorised to act.

6.—(1) The customs office through which a cultural item may be exported shall be determined by the Fiscal Officer.

(2) Where a customs office located in the Areas is authorised to act as provided for by subsection (1), sections 7 and 8 below shall apply.

Application for export clearance.

7. The exporter of the cultural item, or an authorised representative of his, shall on submitting the single administrative document for export clearance to the customs office authorised in accordance with section 6(1), attach to it the exporter's copy of the export licence and the copy of the export licence which is intended for the relevant competent authority.

Customs formalities.

8.—(1) The customs office shall, having satisfied itself of the same, certify in the appropriate place on both copies of the export licence that the information appearing on the single administrative document corresponds to the information appearing in the export licence and that each corresponds to the cultural item to be exported.

(2) Where the items are to be exported under authority of a general open licence, the exporter shall provide a document containing the name of the museum or institution to whom the licence has been granted and a list of all items to be exported which shall be signed on each page by a representative of such museum or institution.

(3) Once both copies of the export licence have been certified in accordance with subsection (1)—

- (a) the copy of the export licence which is intended for the relevant competent authority shall be attached to the single administrative document and shall remain with the cultural

item which is intended for export until its exit from the Areas. The customs office of departure shall then complete box 20 of the export licence and return such licence to the competent authority;

- (b) the copy of the export licence which belongs to the exporter shall be returned to him or his authorised representative.

PART IV – CRIMINAL OFFENCES

9. Any person who forges an export licence shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding ten years. Forgery.

10.—(1) Any person who exports, or takes steps with the intention of exporting, or knowingly assists in the export of a cultural item — Illegal export of cultural items.

- (a) without a valid export licence; or
- (b) in breach of any of the conditions attached to such licence

shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding four years or a fine not exceeding two thousand pounds or to both such penalties.

(2) The court may, on convicting any person of an offence under subsection (1) above, and upon the application of the prosecuting authority, order the forfeiture of the cultural item to which the conviction relates.

PART V – FINAL PROVISIONS

11. The Administrator may make such regulations as he deems appropriate for the better application of the provisions of this Ordinance. Regulations.

12. This Ordinance shall come into force on the date of its publication in the Gazette. Commencement.

13. This Ordinance shall bind the Crown. Application to the Crown.

10th August 2004
(128/71)

P. D. Draycott
Chief Officer.

