

ORDINANCE 21 OF 2005

AN ORDINANCE TO PROVIDE FOR THE WINE PRODUCTS COMMISSION OF THE REPUBLIC TO CONTROL VINE GROWERS AND THE PRODUCERS OF WINE AND OF WINE PRODUCTS WITHIN THE SOVEREIGN BASE AREAS AND FOR RELATED MATTERS

P. T. C. Pearson CBE
ADMINISTRATOR

4th August 2005.

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 Vineyards, Wine and Wine Products Ordinance 2005. Short title.
2. In this Ordinance, unless a contrary intention appears—
“corresponding Republican Law” means the Wine Products Commission Law 2004 of the Republic as amended by the Wine Products Commission (Amendment) Law 2004 of the Republic and as it may be further amended or substituted from time to time; Interpretation.
“inspector” means an inspector appointed under section 22 of the corresponding Republican Law; Republican Law 61(I)/04.
“Wine Products Commission” means the Wine Products Commission described in section 3 of the corresponding Republican Law. Republican Law 226(I)/04.
3. The Wine Products Commission may exercise all such powers and do all such other things in, or in relation to the Areas as it is empowered or required to do in, or in relation to the Republic under the corresponding Republican Law. Powers etc of the Wine Products Commission and of inspectors.
4. Where a person does, or fails to do, any thing in the Areas which if he were to do, or were to fail to do, in the Republic would make him liable to pay any fee pursuant to section 14 of the corresponding Republican Law, he shall be liable to pay a fee of a similar amount under this section. Fees.

Duties and powers
of inspectors.

5.—(1) An inspector's general duties are to monitor observance of the provisions of—

- (a) this Ordinance and of any regulations made under it; and
- (b) any Regulation of the European Community relating to the production and marketing of vines, wine and wine products.

(2) When exercising his duties under this Ordinance, an inspector shall have in his possession evidence of his appointment.

(3) An inspector may—

- (a) at any reasonable time enter any premises, plant or vineyard in order to obtain information, or to investigate any matter relating to the vines grown there or the wine or wine products produced or otherwise dealt with there, and may carry out such checks as he considers necessary in order to establish whether or not the provisions of this Ordinance, or of any regulations made under it or of any Regulation of the European Community relating to the production and marketing of vines, wine and wine products are being observed;
- (b) inspect any books of account or other documents relating to any business involving the growing of vines or the production or marketing of wine or wine products;
- (c) take copies of, or extracts from, such books of account or other documents;
- (d) require explanations from the owners of such premises, plant or vineyards of anything contained in such books of account or other documents;
- (e) examine any means of transport which he has reasonable cause to suspect is being, or has been used to contravene any provision such as is described in subsection (1) above;
- (f) inspect any wine or wine product and take samples of it for analysis or testing;
- (g) be accompanied by a duly appointed officer of the Commission of the European Communities when carrying out any such checks, inspections or examinations.

(4) An inspector may request the assistance of a police officer if he considers it necessary in order for him to perform his duties or to exercise his powers under this Ordinance more effectively.

Offences.

6. Any person who—

- (a) obstructs an inspector in the performance of his duties or the exercise of his powers under section 5(1) or 5(2) above, or who provides him with inaccurate or false particulars or information or who otherwise hinders him;
- (b) contravenes any provision of this Ordinance or of any regulation or order made under it;
- (c) contravenes or fail to comply with any condition attaching to any authorisation, permit or licence granted to him by the Wine Products Commission; or

- (d) knowingly makes any false entry in any register, book or other document that he maintains for the purposes of his dealings with the Wine Products Commission, or produces or otherwise makes use of any register, book or other document which he knows to be false (whether by virtue of what it contains or by virtue of what it omits) in a material particular, or discloses in breach of confidence any information relating to vines, wines and wine products given to him in confidence for the purposes of this Ordinance,

is guilty of an offence and is liable on conviction to imprisonment not exceeding 12 months or to a fine not exceeding £2,000 or to both such penalties.

7.—(1) The Administrator may make such regulations as he considers necessary or expedient in order to make the application of this Ordinance more effective. Regulations and orders.

(2) The Administrator may by order make provision for determining the appellation of origin of wines and local wines and concerning the cultivation of vines and the production of wines and wine products.

(3) Any regulations or order made under this section shall be published in the Gazette.

8. The Vine Industry (Regulation and Control) Ordinance 1965 and the Vine Industry (Regulation and Control) (Amendment) Ordinance 1971 are repealed. Repeals.

9. This Ordinance comes into force on the day of its publication in the Gazette. Commencement.

4th August 2005
(128/143)

P. D. Draycott
Chief Officer.
