



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1454 of 20th April 2007
LEGISLATION

ORDINANCE 9 OF 2007

AGRICULTURAL PROVISIONS ORDINANCE 2007

An Ordinance to make provision for certain legislation made by the Republic of Cyprus in relation to agriculture to apply in the Sovereign Base Areas

R. H. LACEY
ADMINISTRATOR

4th April 2007.

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

1. Short title

This Ordinance may be cited as the Agricultural Provisions Ordinance 2007.

2. Interpretation

(1) In this Ordinance –

“agricultural law” means a Law of the Republic which is listed in Schedule 1 together with –

- (a) any amendment made to such a Law (whenever enacted);
- (b) any public instrument made under such a Law (whenever enacted);
- (c) any amendment made to such a public instrument (whenever enacted);

“officer of the Areas” means a person authorised by the Chief Officer under section 5 to exercise any powers or perform any duties in accordance with this Ordinance;

“officer of the Republic” means –

- (a) a person who, whether or not he is a member of the public service of the Republic;
- (b) a body of persons which, whether or not it is an official body and whether or not it is incorporated,

has any powers conferred, or any duties imposed upon him or it, by or under any agricultural law.

(2) Any reference in this Ordinance to a provision of the Areas and a provision of the Republic corresponding one to the other will be construed as a reference to provisions of the Areas and of the Republic respectively whose effects are similar or substantially similar.

3. General application

- (1) Subject to the other provisions of this Ordinance, all such rights, powers, liabilities, obligations and restrictions from time to time created or arising in the Republic by or under any agricultural law and all such remedies and procedures from time to time provided for by or under such a law will, subject to necessary modification and so far as possible, be recognised and available in law in the Areas and allowed and followed accordingly.
- (2) An agricultural law will, unless the Chief Officer by Order to be published in the Gazette otherwise directs, only take effect in the Areas in accordance with subsection (1) after the expiry of 60 days from the date on which that law or any provision of that law came into force in the Republic.
- (3) Subsection (1) does not apply to any power or duty contained in an agricultural law which permits or requires a person or body to make a public instrument of any kind.
- (4) An agricultural law which is given effect to in the Areas by virtue of subsection (1) is treated as if it is subordinate legislation made under this Ordinance.

4. Modifications and adaptations

- (1) The application of an agricultural law in the Areas is, unless the context otherwise requires, subject to the following –
 - (a) where an agricultural law is repealed or revoked but is not replaced by the Republic it will cease to have effect in the Areas;
 - (b) where an agricultural law is repealed and replaced by the Republic with another agricultural law, the agricultural law included in Schedule 1 will continue to have effect in the Areas;
 - (c) where a provision of an agricultural law contains a reference to any other Republican legislation, then –
 - (i) if there is a provision of the Areas (including a provision which has effect in accordance with section 3) corresponding to that other Republican provision, the reference will be construed as a reference to the corresponding provision of the Areas;
 - (ii) in any other case, the provision of the agricultural law containing that reference will not have effect in the Areas;
 - (d) a reference to the Republic in an agricultural law will be construed as a reference to the Areas;
 - (e) a provision contained in an agricultural law which –
 - (i) permits or requires the establishment of a body (whether incorporated or not) for the purpose of exercising any duties imposed or powers conferred on it by that law; or
 - (ii) permits or requires the establishment of a body (whether incorporated or not) for the purpose of providing assistance to any officer of the Republic in connection with any such duties or powers conferred or imposed on him by that law; and
 - (iii) in either case creates any liability or duty in relation to the establishment, functioning or termination of such a body,will not have effect in the Areas.
- (2) The application of an agricultural law in the Areas will, unless the context otherwise requires, be subject to the following interpretations notwithstanding anything to the contrary contained in an agricultural law –

“Court” will mean the Resident Judge’s Court or the Senior Judges’ Court as appropriate;

“intra-community trade” will mean a trade transaction in products between member States, including for these purposes the Areas or the Republic, but does not include trade between the Areas and the Republic;

“member State” will mean a member State of the European Union excluding the Republic of Cyprus;

“third country” will mean a country or territory other than a member State, the Areas or the Republic but includes any part of the Island of Cyprus not under the effective control of the Republic or the Administration.

- (3) The Administrator may by Order to be published in the Gazette provide for the application of an agricultural law in the Areas to be subject to such additional exceptions, adaptations or modifications, from such date as may be specified in the order, as he may consider expedient in the circumstances.
- (4) Without prejudice to the generality of subsection (3), the Administrator may by Order provide for an agricultural law to cease to have effect in the Areas from such date as may be specified in the order.

5. Powers and duties

- (1) Any power conferred or duty imposed on an officer of the Republic under an agricultural law is, subject to subsections (3) and (5), deemed to be conferred or, as the case may be, imposed on the Chief Officer.
- (2) Any power conferred or duty imposed on the Chief Officer by virtue of subsection (1) may, subject to any restrictions or conditions imposed by the Administrator under this section or under an order made under section 4, be lawfully exercised, or as the case may require, may lawfully be performed in the Areas or elsewhere by such officer of the Republic as is authorised to exercise a similar power or required to perform a similar duty in the Republic by or under an agricultural law.
- (3) Any power conferred or duty imposed on an officer of the Republic under an agricultural law to carry out any form of inspection (however described) of any goods which are intended for import into or export from the Areas is deemed to be conferred or, as the case may be, imposed on the Fiscal Officer.
- (4) Where a power is conferred or duty imposed on the Fiscal Officer by virtue of subsection (3) he may –
 - (a) by Order provide for it lawfully to be exercised, or as the case may require, lawfully to be performed in the Areas or elsewhere by such officer of the Republic as he designates in the Order; or
 - (b) direct that the products may upon their arrival or prior to their departure be taken to another place, whether in the Areas or the Republic, in order for the inspection to be carried out and may direct that such inspection be carried out by an appropriate officer of the Republic.
- (5) Any body which, in the Republic, is created as a result of a provision of the kind referred to in section 4(1)(e) will be recognised in the Areas as having the same rights and duties as if that body had been established under the provisions of this Ordinance and will have the same powers and duties as those conferred or imposed upon that body in the Republic for the purpose of carrying out its objects as specified in that provision in the Republic.
- (6) Without prejudice to subsection (2), the Chief Officer may authorise an officer of the Areas to perform any duty or to exercise any power contained in an agricultural law subject to such restrictions or conditions as he may specify.
- (7) For the purposes of this Ordinance, the exercise of any power or the performance of any duty includes the doing of any act or thing which is permitted or required to be done in relation to the exercise of that power or the performance of that duty.
- (8) Nothing in this Ordinance will have the effect of –
 - (a) entitling an officer of the Republic to exercise any power or requiring him to perform any duty in or in relation to the Areas otherwise than –
 - (i) pursuant to subsections (2), (4) or (5), and
 - (ii) in accordance with the agricultural law under which he purports to act;
 - (b) abridging or in any other way affecting any powers or duties of the Chief Officer, Fiscal Officer or officer of the Areas, under an agricultural law, which powers may be exercised notwithstanding that an officer of the Republic may be entitled pursuant to subsection (2), (4) or (5) to exercise similar power.
- (9) The exercise or performance of any powers or duties by the Chief Officer, Fiscal Officer or officer of the Areas, deprives the relevant officer of the Republic of the right to exercise

or perform the power or duty for as long as the Chief Officer, Fiscal Officer or officer of the Areas, exercises or performs it.

- (10) The authority given to an officer of the Republic under subsection (2), (4) or (5) to exercise any power or to perform any duty is in all cases subject to the condition that the power may not be exercised or the duty performed if to do so it would be necessary for the officer of the Republic to enter –
- (a) any land occupied by the Crown in any capacity; or
 - (b) any land to which access is controlled or restricted by the Crown in any capacity; or
 - (c) any premises situated within any land such as is referred to in paragraph (b) above,

unless he has the written authority of the Administrator to enter the land or premises concerned.

6. Effect of acts of officers of the Republic

Any power exercised or any duty performed by an officer of the Republic acting pursuant to section 5(2), (4) or (5), and any act or thing whatsoever done or suffered in connection with the exercise of such a power or the performance of such a duty is of the same force and effect in all respects and for all purposes as if such power had been exercised, or such duty had been performed or such act or thing had been done by the Chief Officer acting pursuant to section 5(1) or by the Fiscal Officer acting pursuant to section 5(3).

7. Protection of officers of the Republic

Any enactment of the Areas giving protection to officers of the Areas against civil or criminal liability in respect of acts done in the course of their duties, or in any way applying to such acts, will apply to officers of the Republic acting pursuant to section 5(2), (4) or (5), and to any acts of such officers while so acting, as if such officers were officers of the Areas and as if such acts were the acts of officers of the Areas.

8. Legal proceedings

- (1) A court of the Areas may take judicial notice of an agricultural law and any other Republican document of any description granted or otherwise made under an agricultural law.
- (2) For the purposes of this section, the production of a copy of any part of a Republican enactment –
 - (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic; or
 - (b) contained in an issue of the Official Gazette of the Republic; or
 - (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,

is conclusive evidence in Court and for all purposes whatsoever of the due and lawful making of such enactment.

- (3) For the purposes of this section, a version of any part of an agricultural law in the English language –
 - (a) purporting to be produced by an authority of the Republic;
 - (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the agricultural law was published in the Republic;
 - (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose;
 - (d) stated orally in court or produced in writing by a Registrar or official court interpreter,may in any of those cases be held by the Court to be conclusive evidence for all purposes whatsoever that such version is the accurate English version of the agricultural law or part of the agricultural law in question.

- (4) For the purposes of this section, the production of –
- (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant agricultural law under which the relevant document was made; or
 - (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,
- may be held by the Court to be conclusive evidence for all purposes of the contents of such document.

9. Repeal

- (1) The Ordinances listed in Schedule 2, any amendments to such Ordinances and any public instruments made under such Ordinances are repealed or, as the case may be, revoked.
- (2) The provisions of any Ordinances and public instruments listed in Schedule 2 will continue to apply in respect of any licence or permit issued under such laws until the expiry of such licence or permit.

10. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

Schedule 1

(section 2)

1. Agricultural Fertilizers Law 1999, No. 124(I)/99.
2. Agricultural Insurance Law 1977, No. 19 (I)/77.
3. Agricultural Pesticides Law 1993, No. 1(I)/93.
4. Animal Certificates Law, Cap. 29 Laws of Cyprus.
5. Animal Feeding Stuffs and Animal Feeding Stuff Additives (Control of Quality, Supply and Use) Law 1993, No. 13(I)/93.
6. Animal Health Law 2001, No. 109(I)/01.
7. Animals (Scientific Experiments) Law 1995, No. 30(I)/95.
8. Appellation (Cyprus Wines) Protection Law, Cap. 127 Laws of Cyprus.
9. Application of the Common Market Organisation (fruits and vegetables, processed products based on fruits and vegetables, citrus, fats and oils, bananas and floriculture products) Law 2004, No. 225(I)/04
10. Applications of Production, Grading, Marking and Marketing Standards for Poultry Meat Law 2004, No. 280(I)/04.
11. Basic Requirements which Veterinary Equipment must fulfil Law 2004, No. 282(I)/04.
12. Biocides Law 2004, No. 72(I)/2004.
13. Carob Tare Law, Cap. 37 Laws of Cyprus.
14. Citrus Industry Aid Law, Cap. 131 Laws of Cyprus.
15. Classification of Pig, Ovine and Adult Bovine Carcasses and Reporting of their Prices Law 2006, No. 81(I)/06.
16. Classification of Wood in the Rough Law 2002, No. 48(I)/02.
17. Commodities and Services (Regulation and Control) Law 1962, No. 32/62.
18. Control of Oenological Practices and Processes Law 2005, No. 87(I)/05.
19. Control of Production and Trade of Reproductive Material of Animals and Related Matters Law 2001, No. 155(I)/01.
20. Cotton Law, Cap. 46 Laws of Cyprus.
21. Cyprus Carrot Marketing Law 1966, No. 71/66.
22. Cyprus Olive Produce Marketing Law 1968, Law. 24/68.
23. Cyprus Potato Marketing Law 1964, Law 59/64.
24. Exercise of Veterinary Practise and Registration of Veterinary Surgeons Law 1990, No. 169(I)/90.
25. Fertilizers Law 2006, No. 32(I)/06.
26. Food (Sale and Control) Law 1996, No. 54(I)/96.
27. Fruit Trees Protection Law, Cap. 63 Laws of Cyprus.
28. Goats Law, Cap. 66 Laws of Cyprus.
29. Grain Control Law, Cap 68 Laws of Cyprus.
30. Hygienic Production of Animal Foodstuffs and their Placing on the Market and other Related Matters Law 2003, No. 150(I)/2003.

31. Imposition of Quality Control on Agricultural Produce Law 2002, No. 129(I)/02.
32. Implementation of Community Regulations in the Sector of Veterinary Surgery Law 2004, No. 149(I)/04.
33. Improvement of Animals Law 2001, No. 86(I)/01.
34. Livestock Census Law 1964, No. 28/64.
35. Meat Hygiene Law 1979, No. 94/79.
36. Olives and other Crops (Protection) Law, Cap. 76 Laws of Cyprus.
37. Organic Production Law 2004, No. 227(I)/04.
38. Protective Measures Against the Introduction and Spreading of Organisms harmful to Plants and Plant Products Law 2003, No. 147(I)/03.
39. Protection of Geographical Indications and Designations of Origins for Agricultural Products and Foodstuffs Law 2006, No. 139(I)/06.
40. Production and Trading of Plant Propagating Material Law 1991, No. 60/91.
41. Production and use of Eggs for Hatching and of Poultry Chicks Law 2004, No. 281(I)/04.
42. Recognition of Producers Organisations for Agriculture and Livestock Products 2002, No. 164(I)/04.
43. Seeds Law 1998, No. 63(I)/98.
44. Sheep and Goats (Shepherds' Licensing and Control) Law, Cap. 91 Laws of Cyprus.
45. Sheep and Goats (Enumeration) Law, Cap. 92 Laws of Cyprus.
46. Silkworm Industry (Protection) Law, Cap. 145 Laws of Cyprus.
47. Soil Conservation Law, Cap. 94 Laws of Cyprus.
48. The Application of Production, Grading, Marking and Marketing Standards for Edible Eggs Law 2004, Law 276(I)/04.
49. Tree Planting (Village Areas) Law, Cap. 100 Laws of Cyprus.
50. Veterinary Checks on Intra-Community Trade and Imports of Animals and Animal Products from Third Countries and Related Matters Law 2002, No. 98(I)/02.
51. Veterinary Fees Law 2002, No. 239(I)/02.
52. Veterinary Medicinal Products (Control of Quality, Registration, Preparation, Administration and Use) Law 2006, No. 10(I)/06.
53. Wine Products Council Law 2004, No. 61(I)/04.

Schedule 2

(section 9)

1. Agricultural Fertilizers Ordinance 2000, Ordinance 15/00.
2. Agricultural Insurance (Facilitation of Republican Agricultural Insurance Scheme) Ordinance 1977, Ordinance 11/77.
3. Agricultural Pesticides and Plant Protection Products Ordinance 2004, Ordinance 37/04.
4. Agricultural Produce (Quality Control) Ordinance 2003, Ordinance 34/03.
5. Animal Certificates Ordinance, Cap. 29, Laws of Cyprus.
6. Animal Feeding Stuffs and Animal Feeding Stuff Additives (Control of Quality, Supply and Use) Ordinance 2003, Ordinance 18/03.

7. Animal Foodstuffs Hygiene Ordinance 2004, Ordinance 2/04.
8. Animal Health Ordinance 2002, Ordinance 5/02.
9. Appellation (Cyprus Wines) Protection Ordinance, Cap. 127, Laws of Cyprus.
10. Carob Tare Ordinance, Cap. 37, Laws of Cyprus.
11. Citrus Groves (Survey and Registration) (Repeal) Ordinance 1987, Ordinance 3/87.
12. Citrus Industry Aid Ordinance, Cap. 131, Laws of Cyprus.
13. Classification of Pig, Ovine and Adult Bovine Carcasses Ordinance 2004, Ordinance 4/04.
14. Classification of Wood in the Rough Ordinance 2004, Ordinance 5/04.
15. Commodities and Services (Regulation and Control) Ordinance 1962, Ordinance 11/62.
16. Cotton Ordinance, Cap. 46, Laws of Cyprus.
17. Cyprus Carrot and Beet marketing Ordinance 1967, Ordinance 2/67.
18. Cyprus Olive Produce marketing Ordinance 1968, Ordinance 18/68.
19. Edible Eggs (Specifications for the Production, Grading, Marking and Trading) Ordinance 2002, Ordinance 8/02.
20. Food (Sale and Control) Ordinance 2000, Ordinance 5/00.
21. Fruit Trees Protection Ordinance, Cap. 63, Laws of Cyprus.
22. Goats Ordinance, Cap. 66, Laws of Cyprus.
23. Grain Control Ordinance, Cap. 68, Laws of Cyprus.
24. Hatching Eggs and Chicks (Production and Use) Ordinance 2002, Ordinance 13/02.
25. Improvement of Animal Breeds Ordinance 2003, Ordinance 2/03.
26. Livestock Enumeration Ordinance 1964, Ordinance 15/64.
27. Meat Hygiene Ordinance, Ordinance 3/04.
28. Olives and other Crops (Protection) Ordinance, Cap. 76 Laws of Cyprus.
29. Organic Production Ordinance 2003, Ordinance 35/03.
30. Plant (Phytosanitary Measures) Ordinance 2004, Ordinance 8/04.
31. Potato Marketing Ordinance 1965, Ordinance 2/65.
32. Poultrymeat (Specifications for the Production, Grading, Marking and Trading of Poultrymeat) Ordinance 2002, Ordinance 10/02.
33. Propagating Material Ordinance 2000, Ordinance 24/00.
34. Protection of Animals used for Experimental Purposes Ordinance 2002, Ordinance 17/02.
35. Reproductive Material of Animals (Control of Production and Trade) Ordinance 2003, Ordinance 8/03.
36. Seeds Ordinance, Cap. 90, Laws of Cyprus and Ordinance 28/03.
37. Sheep and Goats (Shepherds' Licensing and Control) Ordinance, Cap. 91, Laws of Cyprus.
38. Sheep and Goats (Enumeration) Ordinance, Cap. 92, Laws of Cyprus.
39. Silkworm Industry (Protection) Ordinance, Cap. 145, Laws of Cyprus.
40. Soil Conservation Ordinance, Cap. 94, Laws of Cyprus.

41. Tree Planting (Village Areas) Ordinance, Cap. 100, Laws of Cyprus.
42. Veterinary Checks on Animals and Animal Products (Import and Export) Ordinance 2005, Ordinance 15/05.
43. Veterinary Medicinal Products Ordinance 2002, Ordinance 28/02.
44. Vineyards, Wine and Wine Products Ordinance 2005, Ordinance 21/05.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. These explanatory notes relate to the Agricultural Provisions Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

The Ordinance

3. The Ordinance adopts the agricultural laws of the Republic of Cyprus which are listed in Schedule 1. In other words, the Ordinance provides for the Republican Laws included in that Schedule, plus any past or future amendments to those Laws or public instruments made or to be made under those Laws, to have effect in the Sovereign Base Areas as if they had been made by the Administrator. These instruments will have effect in the Areas in their original Republican format, and all rights, powers, liabilities and restrictions arising under them will be recognised and available as law in the Areas.

4. This is subject to two exceptions. First, the Ordinance does not enable a Republican person or body to make public instruments in respect of the Areas. Rather, any Republican public instrument made under a Republican agricultural law stands to be adopted in the Areas under section 3. Secondly, section 4 makes a set of adaptations and modifications to the way the Republican laws are applied in the Areas to ensure that each works properly in the Areas. It also gives the Administrator an unlimited power to make any further modifications or exceptions to the way the Republican laws apply in the Areas.

5. Section 5 provides for delegation of the powers and duties arising under the agricultural laws. In the first place, they are all conferred and imposed on either the Chief Officer or Fiscal Officer of the Areas. Subsections (2) and (4) then provide that, with certain exceptions, each power and duty may be performed in the Areas by whichever Republican officer is authorised to perform a similar function in the Republic. However, such powers and duties can also be exercised by officials of the Areas should the Chief Officer decide. Subsection (5) provides for the recognition of any body which is created in the Republic under an agricultural law and allows it to exercise, in the Areas, the same rights and duties that it exercises in the Republic.

6. Sections 6 and 7 contain provisions to ensure that when acting in accordance with the Ordinance, the actions of officials of the Republic are treated as if they are actions of officials of the Areas.

7. Section 9 repeals the agricultural Ordinances of the Areas which are listed in Schedule 2, and revokes all public instruments made under those Ordinances. This does not, however, affect any rights, liabilities or obligations incurred under that legislation.

(SBA/AG/2/AG/414)

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