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**EXPLOSIVE SUBSTANCES (AMENDMENT) ORDINANCE 2008**

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An Ordinance to amend the Explosive Substances Ordinance

**R. H. LACEY**  
**ADMINISTRATOR**

*25th March 2008.*

**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 Explosive Substances (Amendment) Ordinance 2008.

**2. Interpretation**

In this Ordinance-

“the principal Ordinance” means the Explosive Substances Ordinance**(a)**.

**3. Section 4 amended**

In section 4 of the principal Ordinance**(b)**-

- (a) “Inspector of Explosive Substances” and “Inspector for Explosive Substances” are replaced by “Inspector of Explosives” wherever they occur; and
- (b) the following new subsection is inserted after subsection (9):
  - “(10) The powers conferred on the Inspector of Explosives by this section are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007**(c)**.”

#### **4. Section 4A amended**

In section 4A of the principal Ordinance(d)-

- (a) “Inspector of Explosive Substances” is replaced by “Inspector of Explosives” wherever it occurs; and
- (b) the following new subsection is inserted after subsection (4):
  - “(5) The power conferred on the Inspector of Explosives by subsection (2)(a) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.”

#### **5. Section 4B amended**

In section 4B of the principal Ordinance(e)-

- (a) “Inspector of Explosive Substances” and “Inspector for Explosive Substances” are replaced by “Inspector of Explosives” wherever they occur; and
- (b) the following new subsection is inserted after subsection (3):
  - “(4) The powers conferred on the Inspector of Explosives by subsections (1) and (2) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.”

#### **6. Section 5 amended**

In section 5 of the principal Ordinance, the following new subsection is inserted after subsection (3):

- “(4) The power conferred on the Inspector of Explosives by subsection (2) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.”

#### **7. Section 7 amended**

In section 7 of the principal Ordinance(f), the following new subsection is inserted after subsection (3):

- “(4) The power conferred on the Inspector of Explosives by subsection (1) is a qualified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.”

#### **8. Section 12 amended**

In section 12 of the principal Ordinance(g)-

- (a) “Inspector of Explosive Substances” is replaced by “Inspector of Explosives” wherever it occurs; and
- (b) the following new subsection is inserted after subsection (5):
  - “(6) The powers conferred on the Inspector of Explosives by this section are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.”

#### **9. Section 12A amended**

In section 12A of the principal Ordinance(h), “Inspector of Explosive Substances” is replaced by “Inspector of Explosives” wherever it occurs.

#### **10. Section 15 repealed and replaced**

Section 15 of the principal Ordinance is repealed and replaced as follows:

##### **“15. Application to the Crown**

- (1) This Ordinance does not bind the Crown or a person employed by or in the service of the Crown while discharging duties except insofar as its provisions expressly impose duties or confer powers on the Inspector of Explosives, the Legal Adviser, any police officer or the Administrator.

- (2) For the purposes of this section, “the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.”

## **11. Commencement**

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

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### **Notes**

- (a) Cap. 54, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (b) Section 4 was substituted by Ordinance 8/06.
- (c) Ordinance 17/07.
- (d) Section 4A was inserted by Ordinance 8/06.
- (e) Section 4B was inserted by Ordinance 8/06.
- (f) Section 7 was amended by Ordinance 8/06.
- (g) Section 12 was amended by Ordinance 27/06.
- (h) Section 12A was inserted by Ordinance 27/06.

## **EXPLANATORY NOTE**

**(This note does not form part of the Ordinance)**

### Introduction

1. This explanatory note relates to the Explosive Substances (Amendment) Ordinance 2008. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The note needs to be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. When a section or part of a section does not seem to require any explanation or comment, none is given.

### Particular Points

3. This amending Ordinance delegates various functions of the Inspector of Explosives to the appropriate officer in the Republic of Cyprus. In accordance with section 6 of the Delegation of Functions to the Republic Ordinance 2007, the appropriate officer of the Republic is one on whom a corresponding function is placed under Republican law. The Delegation of Functions to the Republic Ordinance 2007 sets out the effects and limits of delegation.

4. The delegated functions are either general or qualified. A qualified delegation means an officer of the Republic has to consult the officer of the Areas before carrying out the function. This is the case for the provisions connected with the licensing of explosive substances

(SBA/AG/2/MISC/178)