



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1618 of 27th June 2011
LEGISLATION

CONTENTS:

The following LEGISLATION is published in this Supplement which forms part of this Gazette : –

	Ordinance No.
Explosive Substances (Amendment) Ordinance 2011	8

EXPLOSIVE SUBSTANCES (AMENDMENT) ORDINANCE 2011

An Ordinance to amend the Explosive Substances Ordinance

G. E. STACEY
ADMINISTRATOR

24th June 2011.

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

1. Short title and commencement

This Ordinance may be cited as the Explosive Substances (Amendment) Ordinance 2011 and comes into force on 1 July 2011.

2. Interpretation

In this Ordinance “the principal Ordinance” means the Explosive Substance Ordinance(a).

3. Section 4 (System of licensing) amended

Section 4 of the principal Ordinance is amended by—

- (a) deleting from subsection (1) “at his discretion”;
- (b) replacing “approval” with “authorisation” in paragraphs (f) and (g) of subsection (1);
- (c) inserting after paragraph (g) of subsection (1) the following paragraph—
 - “(h) a certificate of competency which certifies the competency of a person to transfer, possess or handle explosive substances.”;
- (d) inserting after subsection (1) the following subsections—
 - “(1A) If an application is submitted to the Inspector of Explosives for a licence, authorisation or a certificate of competency, the applicant must provide original documents showing evidence of—
 - (a) the applicant’s identity, qualifications, character and health, and that the applicant does not have a criminal record; and
 - (b) if the applicant employs a person or uses a person in any capacity to carry out an activity specified in a licence or authorisation, the applicant must provide the original documents referred to in paragraph (a) in relation to the person.

- (1B) If a document referred to in subsection (1A) is not in English, it must be accompanied by a translation in English, the accuracy of which is certified in writing by a translator of recognised competence.
- (1C) If the applicant submits a completed application for a licence, authorisation or certificate of competency to the Inspector of Explosives, the Inspector of Explosives may impose conditions on the applicant and specify time limits within which the conditions must be satisfied before a licence, authorisation or certificate of competency is granted.
- (1D) Subject to subsection (1E), the Inspector of Explosives may, by a notice published in the Gazette, specify time limits within which the Inspector of Explosives is to—
 - (a) grant or reject the application for a licence, authorisation or certificate of competency;
 - (b) carry out an inspection of the location which may be used under the terms of the licence or authorisation; or
 - (c) examine or interview the person who may handle the explosive substances.
- (1E) If the relevant application is not granted within any time limit which is imposed, the licence, authorisation or certificate of competency is not deemed to have been granted.
- (1F) A person who is a national of a Member State and who offers services relating to explosive substances in—
 - (a) the Republic may provide services relating to the handling of explosive substances in the Areas if the person has obtained a licence, authorisation or certificate of competency under the corresponding Republican law; or
 - (b) a Member State other than the Republic may provide services relating to the handling of explosive substances in the Areas if the person obtains a licence, authorisation or certificate of competency under this Ordinance or under the corresponding Republican law.”;
- (e) in subsection (2) inserting “or certificate of competency” after “licence”;
- (f) in subsection (3) inserting “or certificate of competency” after “authorisation” wherever it appears in the subsection; and
- (g) inserting after subsection (10) the following subsection—
 - “(11) in this section, “corresponding Republican law” means the Explosive Substances Law of the Republic**(b)**, and includes any law amending or substituting that law.

4. Section 13 (Power to make regulations) amended

Section 13(1) of the principal Ordinance is amended by—

- (a) replacing paragraph (n) with the following paragraph—
 - “(n) for the purposes of issuing a licence or authorisation, providing for the examination of a person by the Inspector of Explosives in order to ascertain that person’s competence to transfer, possess or handle explosive substances;”;
- (b) in paragraph (q) inserting “or certificates of competency” after “authorisations”.

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). Section 4 was substituted by Ordinance 8/06 and amended by Ordinances 6/08 and 34/09. Section 13 was amended by Ordinance 8/06.
- (b) Cap. 54, Republic of Cyprus.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Explosive Substances (Amendment) Ordinance 2011 (“the Ordinance”). 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 Ordinance replicates the effect of the Republic’s Explosive Substances (Amendment) Law 2010 (Law 109(I)2010).
3. Paragraph (h) is inserted into section 4(1) of the Explosive Substances Ordinance (“the principal Ordinance”) and clarifies that the Inspector of Explosives may grant a certificate of competency and the circumstances in which such a certificate is required.
4. Subsections (1A) to (1F) are inserted into section 4 of the principal Ordinance. Subsection (1A) provides details of the evidence which needs to be submitted to the Inspector of Explosives in order for the Inspector to assess eligibility for issuing a licence, authorisation or a certificate of competency. Subsections (1C) to (1E) permit the Inspector to fix time limits for complying with conditions for authorising a licence, authorisation or certificate of competency; for inspecting locations and for interviewing individuals. Where time limits are imposed on the Inspector, they also address notification and the effect of non-compliance with them. Subsection (1F) provides for recognition of Republican licences, authorisations and certificates of competency. Also, where an EU national has a relevant business in a Member State other than the Republic, the individual may provide services in the Areas if the individual obtains the necessary documentation under the principal Ordinance or from the Republic.
5. New paragraph (n) in section 13(1) of the principal Ordinance extends the regulation-making power so that regulations may provide for examining individuals and issuing certificates of competency for those who not only handle but also possess or transfer explosives.
6. The functions of the Inspector of Explosives are delegated to the equivalent officer in the Republic pursuant to the Delegation of Functions to the Republic Ordinance 2007 (17/07). The delegation is qualified so the Republican officer must consult with the Inspector of Explosives before carrying out the delegated function.

