



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1662 of 7th September 2012**  
**LEGISLATION**

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**CUSTOMS (AMENDMENT) ORDINANCE 2012**

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An Ordinance to amend the Customs Ordinance 2005

**G. E. STACEY**  
**ADMINISTRATOR**

*5th September 2012.*

**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 Customs (Amendment) Ordinance 2012.

**2. Commencement**

This Ordinance comes into force on 17 September 2012.

**3. Customs Ordinance 2005 amended**

The Customs Ordinance 2005(a) is amended in accordance with sections 4 to 17.

**4. Section 2 amended (interpretation)**

The definition of “officer” in section 2(1) is amended by omitting “customs and excise” and substituting “the Sovereign Base Areas Customs and Immigration Service”.

**5. Section 8 amended (appointments and authorisation)**

Section 8(1) is amended by omitting “customs and excise” and substituting “the Sovereign Base Areas Customs and Immigration Service”.

**6. Section 27 amended (powers in relation to ships, aircraft and vehicles)**

Section 27(6) is amended by omitting “to imprisonment for 2 years or a fine of €3,417 or to both” and substituting “on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding €3,417 or to both”.

**7. Section 55 amended (passengers' baggage)**

Section 55(6) is amended by omitting “£200” and substituting “€341”.

**8. New section 81 substituted**

Section 81 is repealed and the following section substituted—

**“81. Arrest without warrant**

- (1) An officer may, without warrant, arrest any person who is committing or attempting to commit an offence under the customs or associated legislation punishable by imprisonment.
- (2) Where an officer arrests a person in accordance with subsection (1), the following provisions of this section apply.
- (3) The officer must cause the arrested person to be delivered to a police station, or into the custody of a police officer for delivery to a police station, as soon as possible.
- (4) The arrested person may be detained by the police as if the arrest by the officer had been an arrest by a police officer under section 14(1) of the Criminal Procedure Ordinance<sup>(b)</sup> (without the need for any second arrest).
- (5) Section 17 of the Criminal Procedure Ordinance applies, in relation to the arrest, with the following modifications—
  - (a) subject to paragraph (b), any function conferred by section 17 of the Criminal Procedure Ordinance on the officer in charge of the police station may be performed—
    - (i) after consulting the officer in charge of the police station, by the relevant customs officer; or
    - (ii) after consulting the relevant customs officer, by the officer in charge of the police station;
  - (b) where the offence appears to be of a serious nature, the function of bringing the arrested person before a court referred to in section 17(1)(a) of the Criminal Procedure Ordinance must be performed by the relevant customs officer (and not by the officer in charge of the police station).
- (6) Section 24 of the Criminal Procedure Ordinance applies, in relation to the arrest, with the modification that the application to the court for the arrested person to be remanded in custody must be made by, or on behalf of, the relevant customs officer (and not by a police officer).
- (7) In this section, “relevant customs officer” means the arresting officer or any other officer nominated by the Fiscal Officer.”

**9. Section 85 amended (falsely assuming character of Fiscal Officer, obstruction and other offences)**

- (1) Section 85(2), (5) and (8) are amended by omitting “£5000” wherever it occurs and substituting “€8,543” in each case.
- (2) Section 85(3) is amended by omitting “£100” and substituting “€170”.
- (3) Section 85(4) is amended by omitting “£10” and substituting “€17”.
- (4) Section 85(10) is amended by omitting “£10,000” and substituting “€17,086”.

**10. Section 86 amended (fraudulent evasion of duty and other offences)**

Section 86(5)(a) is amended by omitting “to imprisonment for life” and substituting “to imprisonment for a term (including a life term)”.

**11. Section 87 amended (untrue documents and declarations)**

Section 87(1) is amended by omitting “£50,000” and substituting “€85,430”.

**12. Section 88 amended (offences of failure to comply)**

Section 88(1) is amended by omitting “£2000” and substituting “€3,417”.

**13. Section 89 amended (failure to comply with conditions or restrictions)**

Section 89(1) is amended by omitting “£2000” and substituting “€3,417”.

**14. Section 90 amended (offences of failing to keep books and records)**

Section 90 is amended by omitting “£2000” and substituting “€3,417”.

**15. Section 91 amended (contravention of prohibition or restriction)**

Section 91 is amended by omitting “£2000” and substituting “€3,417”.

**16. Section 92 amended (offences in relation to exportation of prohibited or restricted goods)**

- (1) Section 92(1) is amended by omitting “£2000” and substituting “€3,417”.
- (2) Section 92(3) is amended by omitting “£5000” and substituting “€8,543”.
- (3) Section 92(4)(a) is amended by omitting “to imprisonment for life” and substituting “to imprisonment for a term (including a life term)”.

**17. Section 94 amended (offence of removal from storage)**

Section 94(2) is amended by omitting “£5000” and substituting “€8,543”.

**18. Criminal Procedure Ordinance amended**

- (1) The Criminal Procedure Ordinance is amended in accordance with this section.
- (2) Section 17 is amended by adding the following subsection—
  - “(5) This section is modified by section 81 of the Customs Ordinance 2005 in relation to an arrest by a customs officer.”
- (3) Section 24 is amended by renumbering it as subsection (1) and adding the following subsection—
  - “(2) This section is modified by section 81 of the Customs Ordinance 2005 in relation to an arrest by a customs officer.”

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**Notes**

(a) Ordinance 16/05, amended by Ordinance 5/10.

(b) Cap. 155, Laws of Cyprus, 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960. Schedule 2 to the Interpretation Ordinance 2012 provides for the interpretation of such legislation. Section 17 of the Criminal Procedure Ordinance is amended by Ordinances 1/66, 17/03 and 43/03.

## EXPLANATORY NOTE

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

1. This explanatory note relates to the Customs (Amendment) Ordinance 2012 (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 and should be read in conjunction with it.
2. The Ordinance amends the Customs Ordinance 2005 (the “principal Ordinance”).
3. New section 81 of the principal Ordinance provides that, when a customs officer exercises the power to arrest without warrant conferred by section 81, the arrested person must be delivered to a police station as soon as possible and may be detained by the police.
4. The application of the Criminal Procedure Ordinance is modified in the case of such an arrest. Where the offence appears to be of a serious nature, it is the duty of the arresting customs officer (or other customs officer nominated by the Fiscal Officer) to bring the arrested person before a court within 24 hours in order to apply for the arrested person to be remanded in custody (see sections 17(1)(a) and 24 of the Criminal Procedure Ordinance). Both the customs officer and the officer in charge of the police station may exercise the powers of release, etc set out in section 17 of the Criminal Procedure Ordinance.
5. The other amendments to the principal Ordinance are minor. The term “officer of customs and excise” is replaced by “officer of the Sovereign Base Areas Customs and Immigration Service”. Monetary amounts are changed from pounds to euros. Sections 27(6), 86(5)(a) and 92(4)(a) are amended to make it clear that the penalties referred to are maximum penalties, not mandatory ones.

(SBA/AG/2/CE/288)