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**CUSTOMS (AMENDMENT No. 2) ORDINANCE 2012**

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An Ordinance to amend the Customs Ordinance 2005

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

*20th November 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 No. 2) Ordinance 2012.

**2. Commencement**

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

**3. Customs Ordinance 2005 amended**

The Customs Ordinance 2005(a) is amended in accordance with section 4.

**4. 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Section 81 is repealed and the following section substituted—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, or whom the officer reasonably suspects to be, committing or attempting to commit an offence under the customs legislation 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 arrested person—
  - (a) may be detained at a customs station for a period of up to 3 hours for the purpose of investigating the offence; and

- (b) must, unless released, be delivered within that period to a police station or into the custody of a police officer for delivery to a police station.
- (4) The arrested person may be detained, and the offence investigated, by the police as if the arrest had been made by a police officer under section 14(1) of the Criminal Procedure Ordinance**(b)**, without the need for any second arrest; and for the purposes of that Ordinance, the arrest must be treated as having been made at the time the person was arrested by the officer under subsection (1) of this section.
- (5) Section 17 of the Criminal Procedure Ordinance applies, in relation to the arrest, with the modification that any function conferred by that section on the officer in charge of the police station may be performed—
  - (a) after consulting the officer in charge of the police station, by the relevant customs officer; or
  - (b) after consulting the relevant customs officer, 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 may be made by, or on behalf of, the relevant customs officer (as well as by a police officer holding the rank of inspector or above).
- (7) In this section, “relevant customs officer” means the arresting officer or any other officer nominated by the Fiscal Officer.”

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**Notes**

**(a)** Ordinance 16/05, amended by Ordinances 5/10 and 22/12.

**(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, 43/03 and 22/12 and by the Fisheries Ordinance 2012. Section 24 of the Criminal Procedure Ordinance is amended by Ordinance 22/12 and by the Fisheries Ordinance 2012.

## EXPLANATORY NOTE

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

1. This explanatory note relates to the Customs (Amendment No. 2) 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 section 81 of the Customs Ordinance 2005 (the “principal Ordinance”) to provide that when a customs officer exercises the power to arrest without warrant conferred by section 81, the arrested person may be detained at a customs station for a period of up to 3 hours for the purpose of investigating the offence. A “customs station” is a place designated as such by the Fiscal Officer under section 9 of the principal Ordinance - see the Customs (Designation of Customs Stations) Notice 2009.
3. Within the period of 3 hours, the arrested person must either be released or delivered to a police station or into the custody of a police officer. The arresting officer (or other customs officer nominated by the Fiscal Officer) as well as 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.
4. Where the offence appears to be of a serious nature, an application for the arrested person to be remanded in custody for a period beyond 24 hours under section 24 of the Criminal Procedure Ordinance may be made either by a police officer of the rank of inspector or above or by, or on behalf of, the customs officer.

