

No. 86**THE EXPLOSIVE SUBSTANCES ORDINANCE**

(Cap. 54, Laws of Cyprus as amended by Ordinances 8/70, 9/84, 8/06 and 27/06)

REGULATIONS MADE UNDER SECTION 13

The Administrator, in exercise of the powers conferred on him by section 13 of the Explosive Substances Ordinance makes the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Explosive Substances (Amendment) Regulations 2006 and shall come into force on the day of their publication in the Gazette.

Interpretation

2. In these Regulations,

‘the principal Regulations’ means the Explosive Substances Regulations 1940^(a).

Principal Regulations amended by inserting new regulation 2A

3. The principal Regulations are amended by inserting immediately after regulation 2 the following new regulation –

“Considerations relevant to application for import licence

2A.—(1) The Inspector of Explosive Substances may, in considering an application for the grant of a licence to import explosive substances into the Areas, examine whether the explosive substances in question satisfy the provisions of any law in force in the Areas relating to safety requirements for explosive substances intended for commercial use.

(2) Where the explosive substances which are intended to be imported into the Areas do not satisfy any provisions of the kind mentioned in paragraph (1) the Inspector of Explosive Substances may refuse to grant an import licence to the applicant.

(3) Where the Inspector of Explosive Substances refuses to grant a licence to import explosive substances under this regulation he shall set out in writing the reasons for his decision.”.

Principal Regulations amended by substituting regulation 22

4. For regulation 22 of the principal Regulations substitute –

“22.—(1) The Inspector of Explosive Substances may confiscate any explosive substance which he reasonably suspects is unsuitable for use.

(2) Where the Inspector of Explosive Substances has confiscated any explosive substance in accordance with paragraph (1) he may, with the consent of the owner, destroy that substance or seek an order from the Court in accordance with section 12A of the Explosive Substances Ordinance.”.

(a) Sub.Leg (Cyprus) 3/40 as amended.

Principal Regulations amended by substituting regulation 36

5. For regulation 36 of the principal Regulations substitute –
- “**36.**—(1) The Inspector of Explosive Substances may confiscate any blasting powder, gun powder or ammunition which he reasonably suspects is unsuitable for use.
- (2) Where the Inspector of Explosive Substances has confiscated any blasting powder, gun powder or ammunition in accordance with paragraph (1) he may, with the consent of the owner, destroy that substance or seek an order from the Court in accordance with section 12A of the Explosive Substances Ordinance.”.

Principal Regulations amended by inserting new regulation 39A

6. The principal Regulations are amended by inserting immediately after regulation 39 the following new regulation –
- “**Application of this Part to fireworks**
- 39A.**—(1) The provisions of this Part shall apply, so far as relevant, to the storage of fireworks.
- (2) The Inspector of Explosive Substances may exempt any type of firework from this Part by specifying it as exempt in any list that he establishes in accordance with section 4B of the Explosive Substances Ordinance.”.

Principal Regulations amended by inserting new regulation 50A

7. The principal Regulations are amended by inserting immediately after regulation 50, the following new regulation –
- “**Application of this Part to fireworks**
- 50A.**—(1) The provisions of this Part shall apply, so far as relevant, to the sale of fireworks.
- (2) The Inspector of Explosive Substances may exempt any type of firework from this Part by specifying it as exempt in any list that he establishes in accordance with section 4B of the Explosive Substances Ordinance.”.

Regulation 61 of principal Regulations amended

8. For paragraph (3) of regulation 61 of the principal Regulations, substitute –
- “(3) For the purpose of this regulation –
- (a) the Inspector of Explosive Substances shall determine which types of explosives are to be regarded as high explosives;
- (b) any fireworks which are to be regarded as high explosives shall be referred to as such in any list established by the Inspector of Explosive Substances in accordance with section 4B of the Explosive Substances Ordinance.”

Regulation 62 of principal Regulations amended

9. For regulation 62 of the principal Regulations, substitute -
- “**62.**—(1) The Inspector of Explosive Substances may, subject to paragraphs (2) to (5), revoke or amend any licence or approval granted in accordance with the provisions of the Explosive Substances Ordinance and these Regulations.

(2) Where the Inspector of Explosive Substances proposes to revoke or amend any licence or approval he shall serve written notification on the licence holder which shall –

- (a) detail the action he proposes to take;
- (b) explain the reasons for his proposed action; and
- (c) refer to the licence holder's rights in accordance with paragraph (3).

(3) On receipt of a notification issued in accordance with paragraph (2) the licence holder shall –

- (a) have the right to make written representations to the Inspector of Explosive Substances not later than 21 days from the date of receipt of the notification; and
- (b) where he wishes to exercise his right to make written representations shall notify the Inspector of Explosive Substances of that fact within 7 days of receipt of the notification.

(4) The Inspector of Explosive Substances shall examine any representations made to him in accordance with paragraph (3) and shall then decide whether to revoke or amend the relevant licence or approval.

(5) The Inspector of Explosive Substances may revoke or refuse to grant a licence or approval to any person who has been convicted of an offence created by the Explosive Substances Ordinance or these Regulations.”.

Principal Regulations amended by adding new regulation 62A

10. The principal Regulations are amended by inserting immediately after regulation 62 the following new regulation –

“Offence of failing to comply with conditions of licence or approval

62A. Any person who, being the holder of a licence or approval granted under the Explosive Substances Ordinance or these Regulations, contravenes any condition of that licence or approval shall be guilty of an offence and liable upon conviction to imprisonment of 12 months or a fine of £1000 or to both such penalties.”.

Principal Regulations amended by adding new regulation 63A

11. The principal Regulations are amended by inserting immediately after regulation 63, the following new regulation –

“Non-refundable fees

63A. Any fees which are paid in accordance with these Regulations shall not be refunded by the Inspector of Explosive Substances in the event that he refuses to grant the licence or approval applied for.”.

Principal Regulations amended by substituting Form A of the First Schedule

12. For Form “A” of the first Schedule to the principal Regulations substitute -

“Form “A”

(Regulation 2)

**LICENCE TO IMPORT EXPLOSIVE SUBSTANCES
(NON TRANSFERABLE)**

This licence is granted to..... by the Inspector of Explosive Substances to import the following explosive substances subject to the following conditions:

Explosive Substances:

Conditions:

Date:.....

Inspector of Explosive Substances”.

13. For the Second Schedule to the principal Regulations substitute -

“SECOND SCHEDULE**FEES**

(Regulation 63)

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1. Application for the issue of a certificate of competency.	50
2. Application for the issue of a licence to store blasting powder, gun powder, ammunition, fireworks or raw materials.	60
3. Application for the issue of a licence to sell blasting powder, gun powder, ammunition, fireworks or raw materials.	60
4. Application for the grant of a licence to manufacture fireworks or pellets.	75
5. Application for the grant of a licence to construct a warehouse for explosive substances or raw materials.	200
6. Application for the grant of a licence to store explosive substances or raw materials.	200
7. Application for the grant of a licence to sell explosive substances or raw materials.	250
8. Application to grant a licence to manufacture ANFO or explosive substances.	200
9. Application for the grant of a special licence to purchase or transport explosive substances or raw materials.	20
10. Application for the grant of a special licence to purchase, transport and use high explosives or raw materials.	100

11. Application for the grant of a licence to transport and use explosive substances, ammunition and fireworks which have not been classified as high explosive substances or raw materials.	75
12. Application for the grant of a special licence to purchase, transport and use fireworks which are classified as high explosives.	160
13. Application for the grant of a licence to import explosive substances or raw materials.	30
14. Application for the grant of an authorisation to export explosive substances.	20
15. Application for an authorisation to export fireworks:	
(a) for a quantity not exceeding 50,000 pieces;	5
(b) for a quantity exceeding 50,000 but not exceeding 100,000 pieces.	10
(c) for a quantity exceeding 100,000.	20
16. An application for the grant of an authorisation to transport explosive substances with the exception of ammunition and fireworks.	20

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Dated this 19th day of December 2006.

By the Administrator's Command,
P. D. Draycott,
Chief Officer,
Sovereign Base Areas.

(SBA/AG/2CR/178/1)
