



SUPPLEMENT No. 3
TO
THE SOVEREIGN BASE AREAS GAZETTE
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SUBSIDIARY LEGISLATION

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EXPLOSIVE SUBSTANCES (AMENDMENT) REGULATIONS 2011

The Administrator makes the following Regulations in exercise of the powers under section 13 of the Explosive Substances Ordinance(a)

Citation and commencement

1. These Regulations may be cited as the Explosive Substances (Amendment) Regulations 2011 and come into force on 11 July 2011.

Regulation 27 repealed and replaced

2. Regulation 27 (Examination of persons to be employed in the handling of explosive substances) of the Explosive Substances Regulations 1940(b) (“the principal Regulations”) is repealed and replaced with the following regulation—

“Examination for a certificate of competency

- 27.** (1) The Inspector of Explosives may grant a certificate of competency.
- (2) A person must not—
- (a) transport, possess or handle explosive substances unless the person holds a certificate of competency issued under paragraph (1); or
 - (b) if the person holds a licence for an explosives magazine under regulation 17, permit the transport, possession or handling of explosive substances by another person who has not been granted a certificate of competency.
- (3) Subject to paragraph (4), a certificate of competency in the Form “G” in the First Schedule may only be granted to a person who—
- (a) has not been convicted of an offence—
 - (i) which, without proof of previous conviction, is punishable with imprisonment for 3 years or more;
 - (ii) concerning explosive substances; or
 - (iii) of a violent nature;
 - (b) in the opinion of the Inspector of Explosives, is medically fit;
 - (c) is trained in handling explosive substances; and
 - (d) has passed an oral and practical examination set by the Inspector of Explosives regarding the handling of explosive substances.

(4) A person who has been granted a certificate of competency by the appropriate authority of a Member State is not required to meet the conditions in paragraph (3) if the person—

- (a) on being interviewed by the Inspector of Explosives, in the Inspector’s opinion, is considered suitable to be granted a certificate of competency; and
- (b) provides the Inspector of Explosives with—
 - (i) the application for a certificate of competency;
 - (ii) the certificate of competency issued by the Member State; and
 - (iii) if the certificate referred to in paragraph (ii) is not in English, a translation in English, the accuracy of which is certified in writing by a translator of recognised competence.

(5) A certificate of competency is not to be granted to a person under the age of 16.

(6) If a person has been granted a certificate of competency, the Inspector of Explosives may suspend or cancel the certificate if, in the Inspector’s opinion, the person—

- (a) appears incompetent,
- (b) has acted carelessly or negligently in carrying out duties connected with explosive substances, or
- (c) suffers from an illness or has a disability which may affect carrying out effectively the duties of a person required to transport, possess or handle explosive substances.

(7) If a certificate of competency is suspended, the suspension may be recorded on the certificate.

(8) A person must not transfer or accept the transfer of a certificate of competency.”.

Regulation 59A inserted

3. After regulation 59 of the principal Regulations, the following regulation is inserted—

“Regulation of the use of explosive substances

59A. (1) The Inspector of Explosives may not grant a licence to use explosive substances for activities or for events which the Inspector considers threatens—

- (a) public order,
- (b) the safety of property,
- (c) the health or safety of members of the public, or
- (d) the protection of the environment.

(2) If the Inspector of Explosives issues a licence to use explosives for activities or events which involve the use of fireworks, the Inspector of Explosives may specify—

- (a) the place and nature of the activity or event where fireworks may be used;
- (b) the period of time during which an application for the grant of a licence to use fireworks must be made; and
- (c) the period of time or hours of the day during which fireworks may be used.”

Regulations 6, 11, 28, 40, 46, 51 and 60 (Penalty) amended.

4. Regulations 6, 11, 28, 40, 46, 51 and 60 are amended by repealing “fifty pounds” wherever it occurs and replacing with “€1708”.

Regulation 65 (Delegation to the Republic) amended

5. Regulation 65(1) of the principal Regulations is amended by inserting “59A,” after “57.”

Dated this 29th day of June 2011.

By the Administrator’s Command,

J. S. Wright,

Sovereign Base Areas.

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

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 13 was amended by Ordinance 8/06.
- (b) Public Instrument 3 of 1940, Subsidiary Legislation (Cyprus), 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).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Introduction

1. This explanatory note relates to the Explosive Substances (Amendment) Regulations 2011. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.

2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a regulation or part of a regulation does not seem to require any explanation or comment, none is given.

Particular points

3. The Regulations are made under section 13 of the Explosive Substances Ordinance (“the Ordinance”).

4. Regulation 27 of the Explosive Substances Regulations 1940 (3/40) (“the principal Regulations”) is replaced. New regulation 27(2) provides that a person who does not have a certificate of competency must not transport, possess or handle explosive substances and that a licence holder of an explosives magazine must not allow a person who does not have a certificate to carry out these activities.

5. New regulations 27(3) to 27(6) set out the criteria which must be met before a certificate of competency is granted and the circumstances which, if in the Inspector’s opinion have arisen, provide the Inspector of Explosives with the discretion to cancel or suspend the certificate.

6. Section 4 of the Ordinance provides that the Inspector of Explosives may issue a licence to transport, possess or use explosive substances in the Areas. The Regulations insert regulation 59A into the principal Regulations. New regulation 59A(1) gives the Inspector of Explosives the discretion not to grant a licence for the use of explosive substances for activities or for events if the Inspector has safety or environmental concerns.

7. In relation to the issue of a licence to use fireworks for events, new regulation 59A(2) provides that the Inspector of Explosives may impose conditions concerning the event; when the application for the licence must be made and the hours during which fireworks may be used.

8. Various penalty provisions in the principal Regulations are amended in order to bring up to date the level of the fines.

9. Regulation 61(1) of the principal Regulations is amended to include regulation 59A. The Inspector of Explosives’ functions in regulations 59A(1) and 59A(2) are delegated to the appropriate officer in the Republic of Cyprus. As it is a qualified delegation, the officer of the Republic must consult the Inspector before carrying out these functions. This is the case for all the provisions connected with the licensing of explosive substances (except licenses for the importation of explosive substances into the Areas which is a general delegation).

