



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREA GAZETTE

No. 74 of 8th AUGUST, 1963.

LEGISLATION.

ORDINANCE 16 OF 1963.

AN ORDINANCE

**RELATING TO THE PUBLICATION OF OBSCENE MATTER
AND PROVIDING FOR THE PROTECTION OF LITERATURE.**

DENIS BARNETT,
ADMINISTRATOR.

25th July, 1963.

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

1. This Ordinance may be cited as the Obscene Publications Ordinance, 1963.

Short title.

2.—(1) For the purposes of this Ordinance an article shall be deemed to be obscene if its effect or (where the article comprises two or more distinct items) the effect of any one of its items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

Test of obscenity.

(2) In this Ordinance "article" means any description of article containing or embodying matter to be read or looked at or both, any sound record, and any film or other record of a picture or pictures.

(3) For the purposes of this Ordinance a person publishes an article who—

(a) prints, distributes, circulates, sells, lets on hire, gives,

or lends it, or who offers it for sale or for letting on hire; or

- (b) in the case of an article containing or embodying matter to be looked at or a record, shows, plays or projects it; or
- (c) does or omits to do any act for the purpose of enabling or aiding any act described in paragraphs (a) and (b) of this sub-section to be done:

Provided that paragraph (b) of this sub-section shall not apply to anything done in the course of a cinematograph exhibition (within the meaning of the Cinematograph Films Ordinance), or to anything done in the course of television or sound broadcasting.

Cap. 43 (Laws of Cyprus) and Ordinance 6 of 1963.

Prohibition of publication of obscene matter.

3.—(1) Subject as hereinafter provided, any person who, whether for gain or not, publishes an obscene article shall be liable on conviction to a fine not exceeding three hundred pounds or to imprisonment not exceeding two years or both.

(2) A prosecution for an offence against this section shall not be commenced more than two years after the commission of the offence.

(3) A person shall not be convicted of an offence against this section if he proves that he had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his publication of it would make him liable to be convicted of an offence against this section.

(4) In any proceedings against a person under this section the question whether an article is obscene shall be determined without regard to any publication by another person unless it could reasonably have been expected that the publication by the other person would follow from publication by the person charged.

Defence of public good.

4.—(1) A person shall not be convicted of an offence against section 3 of this Ordinance, if it is proved that publication of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of other objects of general concern.

(2) It is hereby declared that the opinion of experts as to the literary, artistic, scientific or other merits of an article may be admitted in any proceedings under this Ordinance either to establish or to negative the said ground.

I.M.G. WILLIAMS,

25th July, 1963.

Chief Officer.

ORDINANCE 17 OF 1963.

AN ORDINANCE
TO AMEND THE CRIMINAL CODE.

DENIS BARNETT,
ADMINISTRATOR.

25th July, 1963.

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

1. This Ordinance may be cited as the Criminal Code (Amendment) (No. 2) Ordinance, 1963, and shall be read as one with the Criminal Code (hereinafter referred to as "the principal Ordinance").

Short title.

Cap. 154 (Laws of Cyprus) and Ordinance 11 of 1963.

2. The principal Ordinance is hereby amended by repealing Section 177 thereof and substituting therefor the following new section:—

Section 177 of the principal Ordinance repealed and replaced.

^{**}Indecent exhibitions.

177.—(1) Any person who, in any public place exhibits any indecent show or performance is guilty of an offence and is liable to a fine not exceeding three hundred pounds or to imprisonment not exceeding two years or to both such imprisonment and fine.

(2) A person shall not be convicted of an offence contrary to sub-section (1) of this section, if it is proved that the act complained of was for the public benefit to be done or performed".

I.M.G. WILLIAMS,

25th July, 1963.

Chief Officer.

ORDINANCE 18 OF 1963.

AN ORDINANCE
TO MAKE BETTER PROVISION FOR THE
MANUFACTURE AND SALE OF OLIVE OIL.

DENIS BARNETT,
ADMINISTRATOR.

6th August, 1963.

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

Short title.

1. This Ordinance may be cited as the Olive Oil Ordinance, 1963.

Interpretation.

2. In this Ordinance, unless the context otherwise requires-

“acidity” for the purpose of calculating oleic acid, means the free fatty acid contained in the olive oil expressed in percentage of weight;

“black olive oil” means virgin olive oil which is obtained from boiled or oven-dried olives;

“can or canning” with their grammatical variations, means the placing and sealing of edible olive oil in specified containers;

“cannery” means any place or premises or any part thereof in which edible olive oil is canned and sealed in specified containers;

“edible olive oil” means the oil which is exclusively obtained from olives and is suitable for human consumption, and is free from offensive odour and taste, and does not contain any other oil foreign to olive oil, the acidity of which does not exceed 6%;

“esterified oil” means the product derived from the reaction of glycerine on the free fatty acids of the olive oil and includes oil the acidity of which has been neutralized partially or wholly by such reaction;

“extraction plant” means any place or premises or any part thereof in which solvent extracted olive oil is obtained;

“lampante olive oil” means virgin olive oil or black olive oil with offensive odour and taste or the acidity of which exceeds 6%;

“manufacturer” means the owner or person in charge of a cannery, an extraction plant or refinery;

“miller” means the owner or occupier or the person in charge of an olive mill;

“olive” means the mature fruit of the olive tree;

“olive mill” means any place or premises or any part thereof in which olives are processed by mechanical means only for obtaining black olive oil, virgin olive oil or lampante olive oil;

“olive oil” means the oil obtained exclusively from olives

without being mixed with any other oil obtained from any other fruit or seed;

“refinery” means any place or premises or any part thereof in which refining takes place;

“refining” means the process of removing free fatty acid by neutralization with alkalies only and includes any other physical treatment necessary to convert olive oil into edible olive oil;

“sell or selling” with their grammatical variations includes exposing for sale, an offer or agreement to sell and any arrangement to sell made either directly or indirectly as well as a barter;

“solvent extracted olive oil” means the oil obtained from olive residues by extraction with solvents;

“virgin olive oil” means the oil obtained from olives by mechanical means only, which is free from offensive odour and taste, and has not been subjected to any chemical or physical treatment except washing with drinking water, centrifugation and filtering and does not contain any other oil foreign to olive oil or olive oil obtained otherwise.

3. For the purposes of this Ordinance, edible olive oil shall be classified as follows:

Classification of
edible olive oil.

- (a) virgin olive oil “extra” which is the virgin olive oil with perfect odour and taste, the acidity of which does not exceed 1.5%;
- (b) virgin olive oil ‘A’, which is the virgin olive oil with perfect odour and taste, the acidity of which does not exceed 3.5%;
- (c) virgin olive ‘B’, which is the virgin olive oil, free from offensive odour and taste, the acidity of which does not exceed 5%;
- (d) virgin olive oil ‘C’, which is the virgin olive oil, free from offensive odour and taste, the acidity of which does not exceed 6%;
- (e) black olive oil, first quality, which is the black olive oil with perfect odour and taste, the acidity of which does not exceed 2%;
- (f) black olive oil, second quality, which is the black olive oil, free from offensive odour and taste, the acidity of which does not exceed 5%;

- (g) black olive oil, third quality, which is the black olive oil, free from offensive odour and taste, the acidity of which does not exceed 6%;
- (h) refined olive oil 'A', which is oil obtained from refining lampante olive oil, the acidity of which does not exceed 1%, and is free from alkalies employed in refining; this category includes blends of refined olive oil with black olive oil or virgin olive oil;
- (i) refined olive oil 'B', which is the oil obtained from refining lampante olive oil, the acidity of which does not exceed 2%, and is free from alkalies employed in refining; this category includes olive oil with black olive oil or virgin olive oil;
- (j) refined solvent extracted olive oil which is the oil obtained from refining solvent extracted olive oil, the acidity of which does not exceed 3%, and is free from offensive odour and taste and from the chemical substances employed in refining and extraction processes; this category includes blends of refined solvent extracted olive oil with virgin olive oil or black olive oil or refined olive oil.

4.—(1) The sale of any olive oil, except canned edible olive oil in containers on which a label is displayed distinctly and legibly printed in English or Greek and Turkish, specifying the name and address of the manufacturer who canned it and describing the exact category under section 3 of this Ordinance and the exact weight of olive oil contained therein is prohibited:

Provided that the restriction in this section shall not apply to-

- (a) olive oil which is sold to a registered manufacturer, or
- (b) lampante olive oil, the acidity of which is not less than 20% which is sold to an authorised buyer exclusively for industrial purposes, or
- (c) olive oil which is sold to an authorised exporter exclusively for exportation from the island of Cyprus.

(2) Any person desiring to be considered as an authorised buyer or authorised exporter under sub-section (1) of this section should apply to this effect to the Chief Officer who may issue to the applicant a licence to buy lampante olive oil or olive oil for export from the Island of Cyprus, as the case may be, under such conditions as the Chief Officer may impose, in accordance with Regulations made under section 13 of this Ordinance.

Restriction of sale of olive oil otherwise than in specified containers bearing labels.

(3) For the purpose of this section "industrial purpose" does not include refining of lampante olive oil or its blending with edible olive oils or other edible oils or its conversion in any way into edible olive oil.

(4) Any person who acts in contravention of, or fails to comply with, the provisions of this section or in the case of an authorised buyer or authorised exporter who contravenes or fails to comply with the terms of the licence issued to him under sub-section (2) of this section is guilty of an offence.

5.—(1) No person is allowed to—

- (a) import, manufacture or sell any esterified oil in the Areas;
- (b) import or use any kind of machinery or plant for the manufacture or generally for the preparation of esterified oil in the Areas.

Prohibitions in
respect of
esterified oil.

Any person who acts in contravention of, or fails to comply with, any of the provisions of this sub-section shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and the Court trying the offence may order the forfeiture of the esterified oil or the machinery or the plant used in the commission of the offence.

(2) The owner or the holder of machinery or plant for manufacturing or generally for the preparation of esterified oil shall make a declaration in writing to that effect to the Chief Officer within one month from the date of coming into operation of this Ordinance.

Any person who acts in contravention of, or fails to comply with, the provisions of this sub-section shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and the Court trying the offence may order the forfeiture of the machinery or plant used in the commission of the offence.

(3) Any machinery or plant for manufacturing or generally for the preparation of esterified oil shall be sealed by the appropriate officer, who may, for this purpose, enter without warrant any premises or any other place except a dwelling house.

Any person who in any way impedes or obstructs the appropriate officer in the course of the duties assigned to him under this sub-section or destroys, damages or in any way alters the seals affixed in this respect, shall be guilty of an offence and shall be liable

to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(4) For the purposes of sub-section (3) "appropriate officer" means an officer of the Sovereign Base Areas Administration authorised in this respect by the Chief Officer.

Restrictions
on sale etc. of
olive oil.

6.— (1) No person shall sell—

- (a) any olive oil as edible olive oil which does not come under one of the classes provided by section 3 and does not comply with the requirements of the class concerned;
- (b) any olive oil which is mixed with any other oil, which is not olive oil, colouring material, antioxidant, or any other preservative;
- (c) any olive oil which is not of the classification demanded by the purchaser.

(2) The possession or use of any colouring or antioxidant or any other preservative material in any olive mill, extraction plant, cannery or refinery is prohibited.

(3) Notwithstanding anything in paragraph (b) of sub-section (1) and in sub-section (2) of this section, the Administrator may authorise under a permit the possession of any colouring matter, antioxidant or preservative and the addition of such substances to olive oil in specified quantities, provided the olive oil in which such substances are added shall be exported from the Island of Cyprus; the Administrator may impose in such permit any terms and conditions he may think fit.

(4) Any person who acts in contravention of, or fails to comply with, any of the provisions of sub-section (1), sub-section (2) or sub-section (3) of this section or contravenes or fails to comply with the terms of a permit issued to him under sub-section (3), shall be guilty of an offence and—

- (a) in the case of a first offence, be liable to imprisonment for a period not exceeding three months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine;
- (b) in the case of any subsequent offence, be liable to imprisonment not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

(5) Upon any conviction for an offence under this section

the Court may order the forfeiture of every article by means of or in respect of which the offence was committed.

7.—(1) No person shall carry on the business of a miller or use any place or premises as a mill unless he and any such premises are registered under this Ordinance in the prescribed manner.

Registration of
millers and
manufacturers.

(2) No person shall carry on the business of manufacturer or use any place or premises as an extraction plant or a refinery or a cannery unless he and any such premises or places are registered under this Ordinance in the prescribed manner:

Provided that no premises may be registered as a cannery unless the applicant is already registered under this Ordinance either as a miller or as a manufacturer or unless it is a co-operative society having as its members olive producers or millers or manufacturers registered under this Ordinance.

(3) Any person who acts in contravention of, or fails to comply with, sub-sections (1) and (2) of this section shall be guilty of an offence.

8.—(1) Any person authorised in this respect by the Chief Officer or any police officer not below the rank of Sergeant, may, at the expense of the Administration, and any person authorised in this respect by a competent local authority within its area may, at the expense of such authority, take delivery of any sample of olive oil for the purpose of sampling and any such person shall be referred to in this section as "Sampling Officer".

Sampling.

(2) Any sampling officer is entitled at all reasonable times—

(a) to enter without a warrant any premises, except dwelling houses, where olive oil is being extracted, refined, canned, stored, or sold, and take samples of any olive oil or any substance which may be used for refining, extraction or canning of olive oil.

In this section the term "premises" also includes refineries, olive mills, extraction plants, canneries, shops, stores, means of transportation, roads, open spaces and customs areas:

Provided that the sampling officer is empowered to so enter a dwelling house under a judicial warrant issued to this effect;

(b) to obtain for sampling purposes olive oil during the period of delivery to any purchaser or recipient.

(3) If any sampling officer demands delivery to him of any such sample and he tenders the current market value for the

quantity which he requires for the purpose of analysis the person from whom the sample is demanded shall deliver such sample to the sampling officer:

Provided that in the case of canned edible olive oil exposed for sale no person shall be required to deliver such olive oil to a sampling officer except in its unopened container.

(4) For the sampling carried out under this section the provisions of sections 11 and 12 of the Sale of Food and Drugs Ordinance shall apply mutatis mutandis:

Cap. 261
(Laws of
Cyprus).

Provided that for purposes of such sampling the person authorised in this respect may open in the presence of the seller the sealed container and divide its contents or any part thereof into three parts as in section 12 of the aforesaid Ordinance provided.

(5) Any certificates made under this section shall be deemed to be certificates for all purposes of section 12 of the Evidence Ordinance.

Cap. 9 (Laws
of Cyprus).

(6) Any person who wilfully obstructs or impedes any sampling officer acting in the course of his duties under this section of this Ordinance or any Regulations made thereunder or by any gratuity, bribe, promise or other inducement prevents or attempts to prevent the due execution by any such officer of his duty under this Ordinance or any Regulations made thereunder shall be guilty of an offence.

(7) Any customs officer may take such samples from consignments of imported olive oil as may be necessary for the enforcement of the provisions of this Ordinance.

(8) The taking of any sample pursuant to this section and the payment or tender of the current market value thereof shall for all the purposes of this Ordinance be deemed to be a sale by such person or his agent or servant to such sampling officer of the olive oil represented by the sample.

9.—(1) No person shall manufacture edible olive oil elsewhere than in a cannery.

Restrictions of
manufacturing
edible olive oil
elsewhere than
in a cannery.

(2) Any person who acts in contravention of, or fails to comply with, the provisions of sub-section (1) thereof shall be guilty of an offence.

10. Any person who contravenes or fails to comply with any Regulations made under this Ordinance shall be guilty of an offence.

Contravention
of Regulations.

11. A person found guilty of an offence for which no penalty is imposed under this Ordinance shall be liable:

General Penalty.

- (a) in the case of a first offence to a fine not exceeding fifty pounds;
- (b) in the case of any subsequent offence to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and

the Court trying the offence may on conviction make any order with regard to the disposal of any article which is the subject matter of the charge or the forfeiture or destruction of any such article.

12. Each of the following persons shall be deemed to have taken part in the commission of the offence and may be charged with actually committing it:—

Parties to offence.

- (a) every person who actually does the act or makes the omission constituting the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding any other person to commit the offence;
- (c) every person who aids or abets any other person to commit the offence;
- (d) any person who counsels or procures any other person to commit the offence;
- (e) any person who appears as the manufacturer on the labels of the specified containers.

13.—(1) The Administrator may make Regulations to be published in the Gazette for the better carrying into effect the purposes of this Ordinance.

Regulations.

(2) Without prejudice to the generality of sub-section (1) of this section any such Regulations may provide for all or any of the following matters:

- (a) prescribing anything which, under this Ordinance, is required or permitted to be prescribed;
- (b) regulating the registration of millers and manufacturers, regulating the registration of premises as canneries as well as the premises in which such millers and manufacturers carry on their business;

- (c) regulating and controlling the operation of the premises referred to in the immediately preceding paragraph and the inspection thereof;
- (d) requiring millers and manufacturers to keep such books and accounts and to render such returns and issue such receipts as provided in the Regulations;
- (e) regulating the canning of virgin olive oil in separate canneries;
- (f) regulating the inspection of premises where olive oil is sold or exposed for sale;
- (g) prescribing the contents of labels to be affixed on containers of olive oil exposed for sale;
- (h) prescribing the official methods of analysis of olive oil;
- (i) prescribing the physical and chemical standards of olive oil.

Revocation of provisions.

14. The provisions of the Sale of Food and Drugs Regulations 1938, as far as olive oil is concerned, are hereby revoked as from the date this Ordinance is coming into operation.

6th August, 1963.

I.M.G. WILLIAMS,
Chief Officer.