



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE

No. 135 of 31st MARCH, 1965.

LEGISLATION.

ORDINANCE 2 OF 1965.

AN ORDINANCE

TO PROVIDE FOR THE REGULATION AND CONTROL
IN THE SOVEREIGN BASE AREAS OF THE EXPORT
AND MARKETING OF POTATOES IN CO-ORDINATION
WITH SIMILAR REGULATION AND CONTROL UNDER
THE PROVISIONS OF REPUBLICAN LEGISLATION.

J. ROBERTS,

29th March, 1965.

ADMINISTRATOR'S DEPUTY.

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

PART I - PRELIMINARY.

1. This Ordinance may be cited as the Potato Marketing Ordinance 1965.

Short title.

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

Interpretation.

“description” in relation to potatoes includes a description by reference to either variety, grade, size, soil classification, maturity, crop season, area or location of production of such potatoes;

“export” with its grammatical variations and cognate expressions means to take or cause to take out of the Island of Cyprus;

“exportable standard” means a standard which is not lower than that prescribed for potatoes intended for export, under the

provisions of the Agricultural Produce (Export) Regulations made under the Agricultural Produce (Export) Ordinance;

Cap. 28 (Laws of Cyprus).

“functions” includes powers and duties;

“potatoes” means potatoes produced or in the course of production in the Areas for any purpose and includes potatoes of exportable standard;

“producer” means a producer of potatoes and includes any person in whom the property in a growing crop of potatoes is vested before the harvesting thereof;

Law No. 59 of 1964.

“Republican Law” means the Cyprus Potato Marketing Law 1964 of the Republic;

“sale” and “sell” with their grammatical variations and cognate expressions include exchange or barter and any agreement or contract to sell, exchange or barter and offering or exposing for sale.

Application of the Ordinance.

3. This Ordinance shall apply to any potatoes intended for sale, consumption or any other use in the Island of Cyprus, or for export outside the Island of Cyprus, and to the export, sale or disposal thereof to any country other than the Republic:

Provided that, until such time as the Administrator may otherwise prescribe, potatoes intended for sale, consumption or other use in the Island of Cyprus shall be exempt from the provisions of this Ordinance save those contained in Sections 6 and 7 of this Ordinance:

Provided further that nothing in this Ordinance contained shall apply to potatoes not exceeding forty okes in weight, exported in the luggage of a person leaving the Areas by sea or air, or by post and not intended for resale.

PART II - POWERS OF THE ADMINISTRATOR IN CONNECTION WITH THE ORDINANCE.

Powers of the Administrator.

4. In order to assist the appropriate authorities of the Republic in preserving the economic, commercial and industrial unity and life in the Island of Cyprus in relation to the potato industry and to ensure that measures identical to and co-ordinated with the measures introduced in the Republic under the provisions of the Republican Law for the regulation and control of export and the marketing of Cyprus potatoes and matters connected therewith are introduced in the Areas in relation to the potato industry in the Areas, the Administrator shall have power:-

- (a) to determine from time to time, in such manner as he may prescribe, the quantity of potatoes or of any description thereof which may be sold or otherwise disposed of by any producer; and the method of determination, as may be prescribed, may be such as to secure that the quantity (if any) which any particular producer may sell or otherwise dispose of is determined wholly or partly by reference to the

- quantity of potatoes or of any description thereof, as the case may be, which was, in some past period, produced, sold or otherwise dealt with on some particular land or premises or by particular persons;
- (b) to prescribe from time to time the description of potatoes which may be sold or otherwise disposed of by any producer;
 - (c) to prescribe from time to time the price at, below or above which, the terms on which, and the persons to, or through the agency of, whom potatoes of any description or quantity thereof may be sold or otherwise disposed of by any producer;
 - (d) to require producers to sell, or otherwise dispose of, potatoes or any description thereof, or such quantity thereof or of any description thereof, as he may determine, only to, or through the medium of, such appropriate authorities of the Republic as he may prescribe, and to deliver such potatoes as aforesaid at such places in the Areas as he may prescribe between such times or dates and in such manner as he may from time to time prescribe;
 - (e) to prescribe from time to time specific periods in respect of any potato crop season during which deliveries of potatoes by producers to, or through the medium of, the authorities prescribed under the provisions of paragraph (d) of this Section, shall be prohibited, restricted or allowed;
 - (f) subject to the provisions of any other Ordinance, to control and regulate as he may from time to time prescribe, the manner in which potatoes of any description or quantity shall, by any person, be:-
 - (i) harvested, graded, packed, marked, stored and adapted for export and sale;
 - (ii) handled, transported and stored while awaiting shipment;
 - (g) to require, as he may from time to time determine, any or all classes of producers and any or all classes of persons engaged in the potato industry in the Areas, to register with a prescribed authority, and the Administrator may license such producers or persons registered as aforesaid, in relation to any of their activities in connection with potatoes, on such terms and conditions as he may from time to time prescribe;
 - (h) to prescribe from time to time that any class of producers or other persons engaged in the potato industry in the Areas, or any description of potatoes or method of sale or other disposal of potatoes, shall

be exempt from such provisions of this Ordinance as may be specified in the prescription;

- (i) to prescribe the manner in which potatoes shall be tendered and delivered to the appropriate authorities of the Republic who are empowered to accept such potatoes for grading, packing, marking, storing, adapting for export, insuring, advertising, transporting, exporting, shipping or selling or otherwise disposing, under the provisions of the Republican Law;
- (j) to appoint persons for the proper and efficient discharge of all or any of the functions which he is empowered to perform under the provisions of the last foregoing paragraph of this section;
- (k) to take steps to facilitate in the Areas the operation of the Price Stabilization Fund established under the provisions of the Republican Law and to prescribe from time to time the levels at which producers' prices of potatoes of any description or quantity thereof shall be stabilized in any potato crop season or in any period thereof;
- (l) to acquire and sell or let for hire to producers and other persons anything required for the production, grading, packing, storing, adaptation for export and sale, transport, export and sale of potatoes and may render to producers or other persons (on payment or otherwise) any service which is calculated to promote more efficient performance of the activities and operations as aforesaid, so however that the thing so sold or let for hire and the services rendered are sold, let for hire or rendered either exclusively or primarily in such circumstances as to be likely to be utilized either wholly or mainly by, or in connection with potatoes produced by, producers;
- (m) to co-operate with any other person in doing anything which he is empowered to do by virtue of paragraphs (i) and (l) of this section and to do anything calculated to procure, promote or facilitate the doing by any other person of any such things;
- (n) to do all such other things as are incidental to or consequential on the powers conferred on him by the provisions of this Ordinance;
- (o) to perform any other functions which he may determine to be expedient to be exercised for the purposes of this Ordinance;
- (p) to grant, withhold, attach conditions to or cancel any licence or any written authority for the purposes of paragraph (g) of this section or of section 11 of this Ordinance.

5. The Administrator from time to time, in relation to the regulation and control of the marketing and export of potatoes as appear to him requisite or expedient for the efficient discharge of his functions under the provisions of this Ordinance, may make rules and regulations as he may think proper and, by order notified in such manner as he shall think fit, prescribe:-

The Administrator may make rules, regulations and orders for the regulation and control of marketing and export of potatoes.

- (a) the persons by whom such rules and regulations shall be carried into effect;
- (b) the time or times, the place or places within which the provisions prescribed by such rules and regulations shall be in force; and may by the like order vary, alter, suspend or rescind all or any of such rules, regulations or orders.

All rules, regulations or orders made under the powers which may at any time be in force shall be of the same force and effect as if they were embodied in this Ordinance.

6. The Administrator may, whenever he considers it necessary for the performance of any of his functions under this Ordinance so to do, serve on any person a demand in writing requiring him to furnish to him within such period and in such form as he may prescribe such estimates, returns and other information (including the production of books and other documents) relating to potatoes which may be specified in the demand.

Power to obtain information.

7.—(1) Any person authorised in writing by the Administrator may, for the purpose of securing compliance with the provisions of this Ordinance or of any prescription, rule, regulation or order made by the Administrator thereunder, enter upon and inspect at any reasonable time and on the production of his authority any land, place, premises, other than a dwelling house or transport vehicle, which the person so authorised has reason to believe is used for producing potatoes or for the doing of any of the things which are for the time being regulated by the Administrator under the provisions of paragraph (f) of section 4 of this Ordinance.

Power of entry and inspection.

(2) A person so authorised as aforesaid may inspect and take samples of potatoes in any of the circumstances mentioned in subsection (1) of this section.

PART III - PRODUCERS' LIABILITY TO PAY CONTRIBUTIONS AND LEVIES.

8. Every producer shall pay to the Administrator for such purpose, a contribution of such amount per oke of potatoes delivered by him to the Administrator or such person as the Administrator may designate to receive such potatoes, as the Administrator may from time to time determine after consideration of similar contributions determined and assessed under the provisions of Section 44 of the Republican Law.

Contributions.

9. The Administrator may impose a special levy or levies on producers after consideration of a similar levy or levies imposed

Levies.

upon producers in the Republic under the provisions of Section 45 of the Republican Law.

Recovery of contributions.

10. The amount of any contribution payable by a producer under the provisions of Section 8 of this Ordinance and the amount of any levy imposed upon a producer under the provisions of Section 9 of this Ordinance shall be recoverable as a debt due to the Administrator from such producer.

PART IV - MARKETING AND EXPORT PROVISIONS.

Restrictions on producers in relation to marketing of potatoes for export.

11. From and after the day of the coming into operation of this Ordinance no producer shall, without the written authority of the Administrator, sell, market or otherwise dispose of potatoes, or any description or quantity thereof, intended for export other than to, or through the medium of, such appropriate authorities of the Republic as the Administrator may prescribe.

Conditions relating to acceptance of potatoes tendered to the Administrator.

12. The Administrator shall accept on behalf of the appropriate authorities of the Republic delivery of potatoes of exportable standard or potatoes for grading and packing to exportable standard, for export and sale or other disposal:

Provided that:-

- (a) such potatoes are tendered and delivered to the Administrator, in such quantity, at such place, between such dates and in such manner and are of such description as the Administrator may, from time to time, prescribe in pursuance of the provisions of paragraphs (d) and (e) of Section 4 of this Ordinance;
- (b) the Administrator may refuse to accept potatoes produced in any potato crop season previous to such potato crop season in respect of which the provisions of this Ordinance came into operation.

Discretion of the Administrator to make exceptions to conditions.

13. Without prejudice to the provisions of section 12, the Administrator may at his discretion after consultation with the appropriate authorities of the Republic accept delivery of any quantity of potatoes, being potatoes of exportable standard, or of any description thereof, which are tendered to the Administrator out of time or otherwise not in conformity with the provisions of section 12 of this Ordinance:

Provided that:-

- (a) the Administrator is satisfied, after consultation with the appropriate authorities of the Republic, that a market can be found for such potatoes; and
- (b) the export and sale, or other disposal of such potatoes by the Administrator or the appropriate authorities of the Republic, on behalf of the producer, shall be on the direct account of the producer; and
- (c) such potatoes sold, or otherwise disposed of as aforesaid, shall not qualify for the application thereto

of any money so deriving from the Stabilization Fund established under the provisions of the Republican Law.

PART V - OFFENCES AND PENALTIES.

14. Any person who falsely holds himself out as, or represents himself to be, an agent or a person acting on the authority of the Administrator or any other person authorised to exercise powers under the provisions of this Ordinance or any person or authority authorised to exercise powers under the provisions of the Republican Law shall be guilty of an offence.

False representation.

15. Any person who—

Offences generally.

- (a) contravenes the provisions of section 11 of this Ordinance; or
- (b) contravenes or fails to comply with the terms or conditions of any authorisation granted by the Administrator under the provisions of this Ordinance; or
- (c) contravenes or fails without reasonable cause to comply with any requirement, prescription, rule, regulation or order made by the Administrator in pursuance of the provisions of section 5 of this Ordinance; or
- (b) fails without reasonable cause to comply with any demand or requirement made by the Administrator in pursuance of section 6 of this Ordinance or in complying therewith makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or
- (e) wilfully makes a false entry in making any record which is required to be kept in pursuance of any of the Administrator's functions under this Ordinance or in pursuance as aforesaid produces a document which he knows to contain an entry which is false in a material particular or recklessly produces a document which contains an entry which is false in a material particular; or
- (f) molests or obstructs any person duly authorised by the Administrator under Section 7 of this Ordinance,

shall be guilty of an offence.

16. If any person discloses any information obtained by him in the exercise of any power conferred on him or on the Administrator by or under the provisions of this Ordinance, and the disclosure is made otherwise than:-

Offences in relation to the disclosure of certain information obtained under this Ordinance.

- (a) with the consent of the person by whom the information was furnished; or

- (b) to the Administrator or a person lawfully acting on behalf of the Administrator; or
- (c) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom; or
- (d) for the purposes of legal proceedings (whether civil or criminal and including arbitrations) under this Ordinance or Republican Law, or the purpose of any report of such proceedings,

he shall be guilty of an offence.

Penalties.

17. Any person who is guilty of an offence contrary to Sections 14, 15 or 16 of this Ordinance shall be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Arbitration.

18.—(1) Any producer or any other person with whom the Administrator has a commercial or functional relationship in connection with any powers exercisable by or on behalf of the Administrator under the provisions of this Ordinance, who is aggrieved by an act or omission of the Administrator or any authority acting on his behalf in connection with a power exercisable under the provisions of this Ordinance, may refer the matter to the arbitration of a single arbitrator.

(2) The arbitrator shall be agreed upon between the party concerned and the Administrator, or, in default of agreement, the arbitrator shall be nominated by the Judge's Court on the application of either party and the arbitrator may make such award in respect of the reference as he thinks fit.

(3) The reference shall be heard and determined in the Areas and in accordance with the law of the Areas and the Arbitration Ordinance shall apply in relation thereto.

Cap. 4 (Laws of Cyprus).

(4) A certificate under the hand of the Administrator that any alleged commercial or functional relationship or any alleged act or omission is not connected with any power exercisable by or on behalf of the Administrator under the provisions of this Ordinance shall be final and shall not be called in question by the arbitrator or by any Court.

D.A.J. WEST,

29th March, 1965.

Administrative Secretary.