



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE

No. 211 of 18th JULY, 1967.

LEGISLATION.

ORDINANCE 6 OF 1967.

AN ORDINANCE

TO REGULATE IN THE SOVEREIGN BASE
AREAS THE SALE OF PRODUCTS USED IN
CONTROLLING AGRICULTURAL PESTS IN
CO-ORDINATION WITH SIMILAR CONTROL
IN THE REPUBLIC OF CYPRUS UNDER THE
PROVISIONS OF REPUBLICAN LEGISLATION.

GORDON JONES,
ADMINISTRATOR.

12th July, 1967.

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 Pest Control Products Ordinance, 1967.

Short title.

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

Interpretation.

“active ingredient” means the substance in the pest control product that acts on the pest, provided that the Chief Officer may require an ingredient to be designated as an active ingredient, if in his opinion, it sufficiently increases the effectiveness of the pest control product to warrant such action;

“advertise” means to make known by notice, circular, label, wrapper or other document and includes any announcement made orally or by any means of producing or transmitting light or sound;

“bactericide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any bacteria affecting plant life;

“Chief Officer” means the Chief Officer, Sovereign Base Areas;

“fungus” (plural, fungi) means all nonchlorophyll plants of orders lower than mosses and liverworts as for example the phycmycetes, ascomycetes, basidiomycetes, and fungi imperfecti; and for the purposes of this Ordinance includes bacteria affecting plant life;

“fungicide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi affecting plant life;

“herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weeds;

“ingredient” means any material used in making a pest control product;

“insect” means any of the small invertebrate animals generally having the body more or less segmented for the most part belonging to the class Insecta, comprising 6 legs, and usually with wings in the adult state, or other allied classes of Arthropods whose members are wingless and usually have more than 6 legs, as for example, spiders, mites, ticks, centipides and so on;

“insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect which may be present in any environment whatsoever;

“Inspector” means any person appointed by the Administrator to act as such for the purposes of this Ordinance;

“nematode” means any invertebrate animal of the nemathelminthes, and class nematoda, i.e. unsegmented round worms elongated, fusiform or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts;

“nematocide” means any substance or mixture of substance intended for preventing, destroying, repelling or mitigating any nematodes affecting plant life;

“other plant or animal pest” includes any form of plant or animal life that the Administrator may for the purposes of this Ordinance declare by Regulations to be a pest;

“package” includes every container;

“pest” means any injurious, noxious, or troublesome species of plant or animal life and includes viruses;

“pest control product” means a product used, or represented as a means for preventing, mitigating, repelling or controlling directly or indirectly any plant disease or pest; and for the purposes of this Ordinance includes insecticides, fungicides, bactericides, metecides, herbicides, rodenticides, plant regulators, defoliant, desiccants and nematocides;

“proprietary name” means the trade name applied to any pest control product of any particular description by the manufacturer, importer or distributor thereof;

“registration number” means a specific number assigned by the appropriate authorities of the Republic for each pest control product under the authority of Republican law;

“Republican Agricultural Chemist” means the Agricultural Chemist as defined in the Republican law;

“Republican Analyst” means the Analyst of the Government of the Republic of Cyprus;

“Republican law” means the Pest Control Products Law, 1967 of the Republic or any law amending or substituting the same;

Law No. 2
of 1967.

“sell” includes barter or exchange and also includes agreeing to sell or offering or exposing for sale or having in possession for sale or sending, forwarding or delivering for or on sale or causing, or attempting any of such acts or things and derivatives from and “sale” shall have a corresponding meaning;

“weed” means any plant which grows where it is not wanted.

3.—(1) Any pest control product registered in the Republic under the Republican law shall be a recognised control product for the purposes of this Ordinance and shall, in the Areas, be assigned the same registration number as it has been assigned in the Republic under the Republican law.

Products registered under the Republican law to be recognised under this Ordinance.

(2) Any such pest control product shall cease to be recognised in the Areas for such period as it ceases to be registered under the provisions of the Republican law.

4. No person shall manufacture, advertise, or in any other manner whatsoever offer for sale, or use in the Areas any pest control product unless such pest control product is recognised under this Ordinance.

No person to manufacture, advertise or sell pest control products unless recognised.

5. No person shall sell, or advertise for sale, pest control products except in sealed unbroken containers, as may be prescribed.

Sale of pest control products in sealed containers.

Marking of
containers.

6.—(1) No person shall sell or advertise for sale in the Areas any pest control product unless each package containing the pest control product, or a tag or label durably attached thereto, is marked in printed character, in such form and manner as may be prescribed, with—

- (a) the name or proprietary name of the product;
- (b) the name and address of the manufacturer, importer or distributor on whose application such pest control product was registered to appear in the centre of the lower half of each label;
- (c) the registration number to appear on the upper right hand corner of each label;
- (d) a statement of the active ingredient showing the active insomer, (e.g. 8-BHC) and the percentage content thereof together with the total percentage of inert ingredients in the pest control product. The percentage of ingredients shall be determined by weight or volume and the sum of percentages shall not exceed 100. Where there is more than one active ingredient they shall be listed in their order of quantity beginning with the ingredient present in the highest proportion;
- (e) the proportion of any claimed active ingredient and it shall not be expressed on the label as a variable content;
- (f) the net content-statement of liquid measures which shall be in terms of the imperial gallon, quarters, pint, fluid ounces, litres or cubic centimeters and the statement of weight shall be in terms of pounds, okes, drams, kilograms or grams;
- (g) in the case of insecticides, fungicides, nematocides, bactericides, and weedkillers, the common and scientific names of the principal insects, fungi, nematodes and weeds which the product is intended to combat and in the case of phytohormones the purpose for which the product is intended and the plant species to which it is to be applied;
- (h) the mode of application, whether undiluted or in diluted form, in the latter case the appropriate dosage for each particular pest in drams or grams or cubic centimeters, as the case may be, in a specified amount of water at various seasons, and the agents, if any, with which it shall be mixed; instructions for mixing;
- (i) the method of application (spraying, dusting, bating, fumigation or otherwise);

- (j) an indication as to when to stop applications;
- (k) an indication as to the frequency of applications;
- (l) when the nature of the product so requires, the quantities to be used (ozes or kgs. or imperial gallons or U.S. gallons or litres per donum, per plant, or per given volume);
- (m) the circumstances in which the product shall not be used and substances if any with which it shall not be associated;
- (n) the words "for agricultural use only" in easily readable characters in the upper left corner of the label;
- (o) the place of manufacture (or formulation);
- (p) a warning or caution statement which is acceptable to the Chief Officer or which in the Republic is acceptable to the appropriate authorities of the Republic under the Republican law;
- (q) with the date up to which it may retain its potency if it is a product which suffers by the lapse of time, and the precautions necessary for preserving such product to the date indicated on the label;
- (r) with a distinctive mark of the place of origin or other identification number to which such product relates;
- (s) with such other particulars as may be prescribed;
- (t) with particulars relating to the time when the use of the product should be suspended before harvest.

(2) The text of the label referred to in the preceding subsection (except the proprietary name of the product, the name of the manufacturer, agent or distributor of the product) shall be in Greek and Turkish.

(3) Containers, tags or labels of a pest control product shall carry the proprietary name of such product and shall indicate directly under the proprietary name and in easily readable printed characters and in letters not less conspicuous than the proprietary name, the accepted scientific name of the ingredients.

(4) All written, printed or graphic material referred to in the preceding subsections shall be in such form as may be approved by the Chief Officer or has been approved in respect of sale or advertisement in the Republic by the appropriate authorities of the Republic under the Republican law.

7. An Inspector may enter upon—

- (a) any premises, other than a dwelling house, and examine any pest control product in containers;

Power to
Inspector
to enter
premises etc.

- (b) any land where any pest control product is manufactured, compounded or packed for the purpose of ascertaining whether the provisions of this Ordinance are being complied with.

Prohibition of certain acts.

8. It shall be unlawful—

- (a) for any person to detach, alter, deface or destroy in whole or in part, any label or labelling provided in this Ordinance or any Regulations made under this Ordinance, or to add any substance to, or take any substances from a pest control product in a manner that may defeat the purpose of this Ordinance;
- (b) for any person to give a guarantee or undertaking provided for under section 16 of this Ordinance which to his knowledge is false in any particular, except where a person who provides such guarantee or receives and relies upon the basis of a similar guarantee previously furnished to him by another person under section 16 of this Ordinance such a guarantee may give guarantee to the same effect.

Power of entry and sampling.

9.—(1) An Inspector may at all reasonable times enter any premises where he has reason to believe that a pest control product is manufactured, sold, or stored for sale, and may take samples in the prescribed manner of any such product or of any ingredient used in the manufacture thereof for analysis.

(2) The owner of such product or ingredient shall, on demand, be paid in accordance with the amount taken and its current value.

Provisions as to analysis of samples.

10.—(1) Where a sample of a pest control product or ingredient has been taken by an Inspector in the prescribed manner as in section 9 of this Ordinance provided, he shall divide it into three parts and cause each part to be marked, sealed and fastened up and he shall deliver or send one part to the seller, manufacturer or person being entrusted for the time being with the charge and custody of that pest control product or ingredient, retain one part for future comparison and forward one part to the Republican Agricultural Chemist for analysis together with a signed statement that the sample was taken in the prescribed manner.

(2) Any report of the Republican Agricultural Chemist received in the Areas, which specifies the result of the analysis and which states whether or not the results are in accordance with the provisions of this Ordinance or any regulations made thereunder shall be recognised in the Areas for the purposes of this Ordinance as if such analysis and report had been made in the Areas.

(3) The Inspector shall cause a copy of the report to be delivered or sent to the seller, manufacturer or person being entrusted for the time being with the charge and custody of such pest control product or ingredient.

(4) If the seller or manufacturer objects to the report of the Republican Agricultural Chemist he shall, on payment of the prescribed fee through the Inspector, and subject to the agreement of the appropriate authorities of the Republic, be entitled to have the part of the sample retained by the Inspector submitted to the Republican Analyst for analysis.

(5) The report of the Republican Analyst shall, if received in the Areas, be deemed to be final for the purposes of this Ordinance as if it had been made in the Areas.

11.—(1) Any purchaser of a pest control product shall, subject to the agreement of the appropriate authorities of the Republic and upon payment of the prescribed fee through the Inspector, be entitled to submit through the Inspector such product to the Republican Agricultural Chemist for a first analysis, and thereafter to submit, through the Inspector, such product to the Republican Analyst for a second analysis.

Right to have samples analysed.

(2) There shall be sent with each sample forwarded for analysis under subsection (1) a statement giving—

- (a) the name and address of the purchaser;
- (b) the name and address of the manufacturer, importer or distributor; and
- (c) the registration number.

12. It shall be unlawful for any manufacturer, agent or distributor to advertise in any way the results of the analysis that may have been carried out by the Republican Agricultural Chemist either under this Ordinance or the Republican law unless prior authorisation has been obtained from the appropriate authorities of the Republic under the Republican law or from the Chief Officer.

Results of analyses prohibited in certain cases.

13. Words starting, implying or inferring that a pest control product is approved, accepted or recommended by the Administrator or any officer or department of the Administration or by the Government of the Republic or by any Department or service thereof, shall not be used in the Areas on any container, label, tag or advertisement for such product.

Restriction on advertisements.

14.—(1) The Administrator may make Regulations—

- (a) prescribing for the purposes of this Ordinance the nomenclature for every form of plant and animal life that shall be deemed to be pests;
- (b) prescribing the pest control products that are generally detrimental or seriously injurious to vegetation, domestic animals or public health when used according to direction;

Power to make Regulations.

- (c) prescribing the materials that may be considered as pest control products and the strength or purity or both, under which they may be sold;
- (d) prescribing for the purposes of this Ordinance the nomenclature of materials from which pest control products are manufactured;
- (e) prescribing the procedure to be followed, the instruments to be employed and the quantities to be taken in the taking of samples for analysis by Inspectors, the number of samples to be taken, and how they shall be forwarded and preserved and by whom, the number and qualifications and impartial witnesses before whom samples of pest control products for analysis shall be taken;
- (f) prescribing methods of analysis to be followed and limits of variation that may be tolerated as between the information that is marked on the container or on a label attached thereto and the statement of analysis by the Republican Agricultural Chemist;
- (g) prescribing the percentages of ingredients that may be present in pest control products;
- (h) prescribing the fees that are payable through Inspectors to the Republican Agricultural Chemist for examination or analysis deemed to have been made under this Ordinance;
- (i) prescribing the size, colour and character of the tags or labels to be used for the purpose of this Ordinance, and the size of character and location of the printing required to be marked on such tags or labels or on the container as provided by this Ordinance;
- (j) prescribing the conditions under which small consignments of pest control products which are not recognised, may be imported into or through the Areas for experimental use in the Island of Cyprus by Republican Government Departments or by others;
- (k) prescribing the conditions and safety measures that are necessary—
 - (i) to safeguard the health of people living in the vicinity of places where pest control products are prepared,
 - (ii) to prevent environmental pollution,
 - (iii) to protect the life and safeguard the health of a person who will use the pest control products, and

- (vi) to safeguard the health of personnel being employed in the formulation, packing, manufacturing and/or distributing pest control products;
 - (l) prescribing the kind of material that may be used as fillers or diluents in the formulation of dusts and their particle size;
 - (m) for the storage of pest control products with a view to preventing any contamination or harmful charge of such products;
 - (n) controlling the use of any pest control product and the precautions to be taken by any user of such product for preventing any wilful or accidental damage or injury to any property;
 - (o) for prescribing anything which under this Ordinance may or is required to be prescribed;
 - (p) generally for the better carrying into effect the purpose of this Ordinance.
- (2) Regulations so made may contain provisions—
- (a) requiring that a pest control product, irrespective of the fact that such product may not be a “poison” within the meaning of the Pharmacy and Poisons Ordinance and the Regulations made thereunder, shall:—
 - (i) be labelled with the word “Poison”;
 - (ii) carry the “Poison emblem” of a skull and cross bones;
 - (iii) be distinctly coloured;
 - (b) prohibiting the sale of any pest control products as may be prescribed after the expiration of the prescribed period from the date of manufacture;
 - (c) prohibiting the sale of a pest control product otherwise than in a vessel or other container as may be prescribed.

Ordinance
23 of 1964.

(3) The power to make Regulations under this section with respect to pest control products includes the power to make Regulations with respect to any class of pest control products or any particular pest control product.

15.—(1) Any person who—

- (a) advertises, or sells in the Areas a pest control product recognised under this Ordinance which does not meet the specification set out in section 6 regarding the label thereof;

Offences and
Penalties.

- (b) falsely represents a pest control product in an advertisement;
- (c) contravenes, or fails to comply with, any provisions of this Ordinance or of any Regulations for which no other penalty is prescribed by this Ordinance,

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding six months or to both such imprisonment and fine.

(2) Any person who—

- (a) unlawfully uses any registration number assigned under the provisions of this Ordinance or as if it had been assigned under this Ordinance;
- (b) wilfully lowers the value of a pest control product which has been placed on the market by the manufacturer, importer or distributor; or
- (c) wilfully obstructs, hinders, resists or in any way opposes any Inspector appointed under this Ordinance,

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred and fifty pounds or to imprisonment not exceeding six months or to both such imprisonment and fine.

Exceptions.

16. The penalties provided for by section 15 of this Ordinance shall not apply to any person who establishes a guarantee signed by and containing the name and address of the registrant or person residing in the Island of Cyprus from whom he purchased and received in good faith the article in the same unbroken container, to the effect that the article was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Ordinance; and in such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guarantee under the provisions of this Ordinance.

Provisional ban
on sale etc. of
pest control
products.

17.—(1) Where it is established that any pest control product is advertised, exposed, offered or held in possession for sale in the Areas contrary to the provisions of this Ordinance or where it is found upon analysis that it is in any way adulterated, any Inspector may serve a notice upon the owner to this effect; and any owner upon whom such notice has been served shall not sell, dispose of, use, remove or destroy such pest control product until three days after the serving of such notice.

(2) Following a prosecution for any offence under sub-section (1) of this section, an Inspector may, at any stage during the criminal proceedings, make an ex-parte application to the Judge's Court for the issue of an injunction order restraining the owner from selling, disposing, using, removing or destroying

the pest control product in respect of which an offence has been committed until the hearing of the criminal proceedings; and upon such application the Court may issue such order subject to such terms as the Court may think fit and the Court shall fix a date on which the defendant shall have an opportunity of opposing before the Court the order issued.

18. Nothing in this Ordinance contained shall apply to or shall affect or shall be construed as affecting—

Exemption.

- (a) any pest control products imported into the Areas for re-export outside the Island of Cyprus either directly or through the Republic;
- (b) the sale of pest control products for manufacturing purposes only, provided a permit has been issued in advance by the Chief Officer. Such permit may contain such terms, conditions or limitations as the Chief Officer may think fit to impose;
- (c) any pest control products for household use provided they are clearly labelled with the words "For household use only".

19. The provisions of this Ordinance shall be in addition to, and not in derogation of, any of the provisions of the Pharmacy and Poisons Ordinance or any Ordinance amending or substituted for the same.

Saving.

Ordinance
23 of 1964.

20. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette and different dates may be fixed for different provisions of the Ordinance.

Administrator
may fix dates
for the coming
into operation
of this
Ordinance or
different
provisions of
this Ordinance.

J. ROBERTS,

Chief Officer.

12th July, 1967.

Gazette No. 212 of 29th July, 1967.

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE, 1967.

(Ordinance No. 7 of 1967).

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