



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 254 of 4th NOVEMBER, 1968.
LEGISLATION.

ORDINANCE 18 OF 1968.

AN ORDINANCE

TO PROVIDE FOR THE REGULATION, CONTROL, MARKETING
AND DEVELOPMENT IN THE SOVEREIGN BASE AREAS OF THE
OLIVE PRODUCE INDUSTRY IN CO-ORDINATION WITH SIMILAR
REGULATION, CONTROL, MARKETING AND DEVELOPMENT
UNDER THE PROVISIONS OF REPUBLICAN LEGISLATION.

E. GORDON JONES,
ADMINISTRATOR.

30th October, 1968.

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

PART I - PRELIMINARY.

1. This Ordinance may be cited as the Cyprus Olive Produce Marketing Ordinance, 1968. Short title.

2.—(1) In this Ordinance, unless the context otherwise requires— Interpretation.

“description”, in relation to olive produce, includes a description by reference to either the kind, class, grade, compositional quality, condition, chemical and physical characteristics, crop season, area or location of production of such olive produce;

“functions” includes powers and duties, and any reference to the performance of functions shall be construed accordingly;

Schedule.

“olive produce” means the produce specified in the Schedule to this Ordinance and any derivative thereof produced in the Sovereign Base Areas;

“olive produce industry” means all the activities comprised in the production, harvesting, milling, processing and marketing of olive fruits and includes all the activities comprised in the production, processing, treatment, manufacture and marketing of olive products or derivatives thereof;

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

“registered producer” means a producer of olive fruits registered under the provisions of this Ordinance;

“Republican Board” means the Cyprus Olive Produce Marketing Board established under the provisions of the Republican Law;

Law No. 24 of 1968.

“Republican Law” means the Cyprus Olive Produce Marketing Law of the Republic and includes any Republican law substituted for or amending the same;

Law No. 24 of 1968.

“sale” and “sell”, with their grammatical variations and cognate expressions, include exchange, barter and offering or exposing for sale or by way of sale or other disposition;

“treatment”, in relation to olive produce means subjecting the olive produce to any physical or chemical action and includes milling, mechanical extraction, solvent extraction, refining and any process of manufacture or other like form of preparation.

(2) Expressions in relation to olive produce and the olive oil produce industry not otherwise defined in this Ordinance shall have the meaning assigned to them under the provisions of the Olive Oil Ordinance.

Ordinances 18 of 1963, 2 of 1966.

Power to amend Schedule to this Ordinance.

3. The Administrator may, by order published in the Gazette, vary the Schedule or add thereto or delete therefrom the name of any kind of olive produce.

Saving for Olive Oil Ordinances 18 of 1963, 2 of 1966.

4. The provisions of this Ordinance, save as provided in section 34 of this Ordinance, shall be without prejudice to the provisions of the Olive Oil Ordinance.

PART II - RECOGNITION OF THE REPUBLICAN BOARD.

Recognition of the Republican Board in the Areas.

5.—(1) The Republican Board shall be recognised in the Areas for the purposes of this Ordinance.

(2) The Republican Board shall in the Areas be recognised as a body corporate with perpetual succession and a common seal in the form lawfully used in the Republic under the provisions of the Republican Law and shall have power in the Areas to acquire, hold, manage and dispose of movable and immovable property for the purpose of exercising any of its powers or performing any of its functions under this Ordinance, and to enter into contracts and to sue and be sued in its corporate name.

(3) All prescriptions, demands or requirements of the Board under the provisions of this Ordinance shall be of lawful effect in the Areas, if they are effected either in the Republic or the Areas in any manner which would be lawful if effected in the Republic under the provisions of the Republican Law.

PART III - MARKETING PROVISIONS.

6. The Republican Board may, with the approval of the Administrator, from time to time prescribe that all producers of olive produce shall, in such form and in such manner as the Board may direct, make application to the Board for registration with the Board and the Board may enter in its register of olive produce producers such applicants as satisfy such terms and conditions as the Board may from time to time prescribe.

Registration
of producers.

7.—(1) The Republican Board may, with the approval of the Administrator, from time to time prescribe that any class of producers or other persons engaged in the olive produce industry, or any description of olive produce, or any method of sale or purchase of olive produce, or any area of production or consumption of olive produce, shall be exempt from such of the provisions of this Ordinance as may be specified by the Board.

Exemptions.

(2) There shall be exempt from the operation of all the provisions of this Ordinance—

- (a) all sales of olive produce by a producer to any farm or domestic servant in his employ or worker employed by him on his agricultural estate for consumption in the household of such servant or worker;
- (b) olive produce, not exceeding 10 okes in weight, exported in the luggage of a person leaving the Island of Cyprus, or by post, and not intended for resale.

8. If the Republican Board, in pursuance of the provisions of section 6 of this Ordinance, prescribes that all producers shall apply for registration with the Board, then a producer who is neither registered nor exempt from registration shall not sell any olive produce in the Areas.

Prohibition
of sales by
unregistered
producers.

Restrictions on producers in relation to selling olive produce.

9. No producer shall, without the written authority of the Republican Board, sell or otherwise dispose of olive produce or any description or quantity thereof except to, or through the agency of the Board.

Restrictions on persons in relation to purchasing olive produce.

10.—(1) No person shall, without the written authority of the Republican Board, purchase or otherwise acquire olive produce, or any description or quantity thereof, except from, or through the agency of the Board.

(2) The foregoing provisions of this section shall not apply to—

- (a) purchases of olive produce, or any description or quantity thereof, which are made from a person who has purchased such olive produce from, or through the agency of the Republican Board;
- (b) purchases of olive produce, or any description or quantity thereof, which produce has been derived from olive residues by means of solvent extraction.

Restrictions on olive produce which may be exported and on persons who may export olive produce.

11.—(1) No olive produce, or any description or quantity thereof, shall be exported from the Areas to a place outside the Island of Cyprus other than—

- (a) olive produce in which the proprietary rights have vested in the Republican Board by virtue of the provisions of section 12 of this Ordinance, or
- (b) olive produce, the export of which has been duly authorized by the Board.

(2) No person shall export from the Areas to a place outside the Island of Cyprus any olive produce, or any description or quantity thereof, except—

- (a) a duly appointed agent acting on behalf of the Republican Board; or
- (b) any person duly authorized by the Board.

Vesting of proprietary rights in olive produce accepted by the Republican Board.

12. For the purposes of the exercise of the functions of the Republican Board under this Ordinance, the proprietary rights in all olive produce accepted by the Board from any producer for sale or by way of sale, as the case may be, shall vest in the Board by virtue of this section and without further assurance.

Conditions relating to acceptance of olive produce tendered to the Republican Board.

13.—(1) For the purposes of this section “duly tendered” means adapted for sale, graded, marked, packed, stored, transported and insured in accordance with any prescriptions of the Republican Board and notified and delivered in accordance with any directions of the Board.

(2) The Republican Board shall accept for sale, or by way of sale, as the case may be, all olive produce duly tendered by any producer and shall sell the same at such time or times and in such manner and to or through such persons (including the Republican Board) as the Board may think fit, provided that—

- (a) such olive produce is tendered and delivered to the Republican Board or its agent in such quantity, at such place or places, between such dates and in such manner, and is of such description as the Board may from time to time prescribe;
- (b) the Board may refuse to accept olive produce of any olive produce season previous to such olive produce season in respect of which the provisions of this Ordinance came into operation.

14. Without prejudice to the provisions of section 13 of this Ordinance, the Republican Board may, with the approval of the Administrator, accept delivery of any quantity of olive produce, or any description thereof, which is tendered to the Board out of time or is otherwise not in conformity with the provisions of section 13, provided that—

Power of Republican Board to make exemptions to conditions of acceptance.

- (a) the Board is of the opinion that it can find a market for such olive produce; and
- (b) the sale or other disposition of such olive produce by the Board on behalf of the producer shall be for the direct account of the producer; and
- (c) such olive produce, sold, or otherwise disposed of as aforesaid shall not qualify for the application thereto of any monies deriving from the Stabilization Fund of the Republican Board established under the provisions of the Republican Law.

PART IV - MISCELLANEOUS POWERS.

15.—(1) The Republican Board may from time to time prescribe descriptions, grades and standards of quality of olive produce intended for sale:

Quality, description, grading etc.

Provided that such descriptions, grades and standards of quality as may be prescribed by the Board shall, in relation to edible olive oil, be not lower than the categories classified under paragraphs (a) to (j), inclusive, of section 3 of the Olive Oil Ordinance.

Ordinances 18 of 1963, 2 of 1966.

(2) The Republican Board may from time to time prescribe—

- (a) the manner in which olive produce, or any description or quantity thereof, shall be graded by, or on behalf of, producers; and
- (b) the manner in which olive produce, or any description or quantity thereof, shall be treated, marked, packed, stored, adapted for sale, insured, transported or otherwise handled by, or on behalf of, producers.

Prescribed
contracts.

16. Without prejudice to the generality of the powers conferred on the Administrator or the Republican Board by the provisions of this Ordinance, the Board may, with the approval of the Administrator, from time to time prescribe all the terms on which and the form in which contracts for the sale of olive produce or any description thereof by producers to, or through the agency of, the Board and for the sale of olive produce, or any description thereof, by the Board to first-hand purchasers shall be made, and without prejudice to the power of the Board to prescribe any other terms, the Board may prescribe all or any of the matters following as terms of any such contract—

- (a) such terms as the Board may deem necessary for securing that the purchaser shall not use or re-sell the olive produce, or any description thereof, so purchased from the Board for any purposes other than those specified in the contract;
- (b) the prices at, below or above which, or the method of arriving at the prices at which olive produce, or any description thereof, may be sold and such prices—
 - (i) may vary in accordance with the purposes for which the purchaser agrees to use or re-sell olive produce or any description thereof;
 - (ii) may vary in accordance with the description or standard of quality of the olive produce or any description thereof.

Registration
and licensing
of persons and
undertakings
engaged in the
olive produce
industry,
Ordinances
18 of 1963,
2 of 1966.

17. The Republican Board may, whenever it considers it necessary for the performance of any of its functions under this Ordinance so to do, and without prejudice to the provisions of section 7 of the Olive Oil Ordinance require that any class or classes of persons or any category of undertakings engaged in any section of the olive produce industry in any manner whatsoever shall apply to the Board for registration with the Board and the Board may, on such terms and conditions as the Board may determine, license such persons or undertakings in relation to all or any of their activities which have a commercial or functional relationship to the performance of any functions exercisable by the Board under the provisions of this Ordinance or the Republican Law.

Power to
obtain
information.

18. The Republican Board may, whenever it considers it necessary for the performance of any of its functions under this Ordinance so to do, serve on any person a demand in writing requiring him to furnish to the Board, within such period and in such form as the Board may prescribe, such estimates, returns and other information (including the production of books of account and other relevant documents) relating to olive produce which may be specified in the demand.

19.—(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 instruction or direction made by the Republican Board thereunder, enter upon and inspect at any reasonable time and on the production of his authority any land, place or premises (other than a dwelling house) which the person so authorised has reason to believe is used for producing olive produce or for the doing of any of the things which are for the time being regulated under the provisions of this Ordinance.

Power of entry and inspection.

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

20.—(1) The Administrator shall have power to serve from time to time upon any person engaged in the olive produce industry, in such manner as the Administrator may think proper, such administrative or executing instructions or directions in relation to the regulation and control of the olive produce industry, as appear to the Administrator requisite and expedient for the efficient discharge of the functions of the Administrator or the Republican Board under the provisions of this Ordinance

Power to serve administrative or executive directions.

(2) The person upon whom such aforesaid instructions or directions are served shall comply therewith.

PART V

PRODUCERS' LIABILITY TO PAY CONTRIBUTIONS AND LEVIES.

21. Every producer shall pay to the Republican Board a contribution of such amount per oke (and proportionately for any other quantity) of olive produce delivered by him to the Board as the Board may from time to time determine to be necessary to cover the administrative and operational expenses incurred by the Board in the exercise of its functions under the provisions of this Ordinance. Such contributions shall be assessed by reference to deliveries of olive produce by each producer over such period as the Board may determine.

Contributions.

22.—(1) The Republican Board may impose a special levy or levies on producers—

Levies.

- (a) for the purpose of the stabilization of prices of olive produce to producers;
- (b) for the purpose of covering any losses which the Board may have experienced in the exercise of any of its functions under this Ordinance;
- (c) for the purpose of securing that the provisions of this Ordinance operate equitably as between all classes of producers.

(2) Such levies shall be assessed on such percentage, as the Republican Board may from time to time determine, of

the net proceeds of sale by the Board of each producer's olive produce and with reference to deliveries of olive produce to the Board by each producer over such period as the Board may determine.

Recovery of
contributions,
etc.

23. The amount of any contribution payable by a producer under section 21 of this Ordinance or any part of such contribution, and the amount of any levy imposed upon a producer under section 22 of this Ordinance or any part of such levy, shall be recoverable as a debt due to the Republican Board from such producer either—

- (a) by deduction by the Board from any monies which may be owing by the Board to the producer concerned; or
- (b) as a simple contract debt in the Judge's Court of the Sovereign Base Areas.

PART VI - OFFENCES AND PENALTIES.

False
representation.

24. 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 the Republican Board shall be guilty of an offence.

Offences.

25. Any person who—

- (a) contravenes the provisions of sections 8, 9, 10 or 11 of this Ordinance; or
- (b) contravenes or fails to comply with the terms or conditions of any authorization or licence granted by the Republican Board under the provisions of this Ordinance; or
- (c) contravenes or fails without reasonable cause to comply with any instruction or direction served upon him by the Administrator in pursuance of the provisions of section 20 of this Ordinance; or
- (d) fails without reasonable cause to comply with any demand or requirement made by the Republican Board in pursuance of section 18 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 functions of the Republican Board under the provisions of 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 authorized by the Administrator under the provisions of section 19 of this Ordinance,

shall be guilty of an offence.

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

- (a) with the consent of the person by whom the information was furnished; or
- (b) to the Administrator or his nominee, or a member or officer of the Republican Board; 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 for the purpose of any report of such proceedings,

he shall be guilty of an offence.

27. Any person who is guilty of an offence under sections 24, 25 or 26 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.

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

Penalties.

28. Where an offence under any of the foregoing provisions of this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and, if convicted, be punished accordingly.

Offences of corporations.

29. No proceedings for an offence under the provisions of this Ordinance shall be instituted except by, or with the consent of, the Legal Adviser.

Prosecution of offences.

PART VII - GENERAL.

30. The Republican Board may, from time to time grant, withhold, attach conditions to or cancel any licence or any written authority issuable by the Board in pursuance of the provisions of this Ordinance:

Licences or written authorities.

Provided that the applicant or the licensee, as the case may be, shall have the right of appeal from any decision of the Board in that behalf to the Administrator and the decision of the Administrator shall be final and binding upon the Board and upon the appellant.

Declaration.

31. For the avoidance of doubt it is hereby declared that the provisions of this Ordinance relate only to the capacity of the Board as a statutory corporation, and nothing in the said provisions shall, save where otherwise expressly provided therein, be construed as authorizing the disregard by the Ordinance in the Areas of any enactment or rule of law.

Arbitration.

32.—(1) Any producer or any other person engaged in the olive produce industry with whom the Republican Board has a commercial or functional relationship in connection with any powers exercisable by or on behalf of the Board under the provisions of this Ordinance, who is aggrieved by an act or omission of the Administrator or the Board or of any authority acting on behalf of the Administrator or the Board 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 the Board, as the case may be, or, in default of agreement, the arbitrator shall be nominated by the Judge's Court of the Sovereign Base Areas on the application of either party, and the arbitrator may make such award in respect of the reference as he thinks just.

Cap. 4 (Laws of Cyprus).

(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.

(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 this Ordinance shall be final and shall not be called in question by the arbitrator or by any Court.

Relevant provisions of the Powers and Duties (Officers of the Republic of Cyprus) Ordinance, 1960 to apply to this Ordinance. Ordinances 2 of 1960, 8 of 1961 and 19 of 1966.

33. Section 6, 8 and 10 of the Powers and Duties (Officers of the Republic of Cyprus) Ordinance, 1960 (hereinafter referred to in this section as "the enabling Ordinance") shall apply to the exercise and performance of powers and duties under the provisions of this Ordinance by the Republican Board, or any of its members, officers, servants or agents, as if this Ordinance were an appropriate enactment as described in section 3 of the enabling Ordinance, and as if such powers and duties had been conferred upon the Board, or such members, officers, servants or agents by a direction of the Administrator made under the provisions of the said section 3 of the enabling Ordinance.

34. Subsection (2) of section 4 of the Olive Oil Ordinance shall cease to have effect upon the coming into operation of this Ordinance.

Subsection (2) of section 4 of the Olive Oil Ordinance repealed.

SCHEDULE

(Section 2).

(OLIVE PRODUCE SUBJECT TO THIS ORDINANCE).

Olive oil, including—

- virgin olive oil,
- black olive oil,
- lampante olive oil,
- refined olive oil,
- solvent extracted olive oil,
- refined solvent extracted olive oil;
- and any blends of—
- virgin olive oil,
- black olive oil,
- refined olive oil, and
- refined solvent extracted olive oil.

Olives.

30th October, 1968.

J.E. CARRUTHERS,
Chief Officer.

CORRIGENDUM.

**THE ARCHITECTS AND CIVIL ENGINEERS
(AMENDMENT) ORDINANCE, 1968.**

(Ordinance 14 of 1968 - Gazette No. 246 of 28th
August, 1968 - page 85).

The word "or" appearing immediately before the expression "Licensed Engineer by Profession" in the third line of paragraph (a) of section 4 should be deleted and appear instead immediately after the said expression.
