



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 465 of 7th April, 1977.
LEGISLATION

ORDINANCE 4 OF 1977.

AN ORDINANCE

TO AMEND THE CUSTOMS AND EXCISE ORDINANCE, 1969.

R. D. AUSTEN-SMITH
ADMINISTRATOR

29th March, 1977.

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 Customs and Excise (Amendment) Ordinance, 1977 and shall be read as one with the Customs and Excise Ordinance, 1969 as amended from time to time (hereinafter referred to as “the principal Ordinance”).

Short title.

Ordinances
12 of 1969,
9 of 1971,
2 of 1975.

2. The principal Ordinance is hereby amended by repealing Section 193 thereof and substituting the following new section therefor:—

Section 193
of the principal
Ordinance
repealed and
replaced.

“Effect of
importation of
goods into the
Republic and
subsequent
removal
into the Areas.

193.—(1) Subject to the provisions of this section any goods which have been imported into the Republic and are subsequently removed from the Republic to the Sovereign Base Areas shall be considered for the purposes of this Ordinance as if they had been imported into the Sovereign Base Areas by sea or air.

(2) Any condition or restriction imposed upon any such importation under the provisions of any Republican enactment shall (if such condition or restriction could lawfully have been imposed under the provisions of any enactment of the Areas if the goods so imported had actually been imported into the Sovereign Base Areas) be considered for the purposes of this Ordinance as having been

imposed under the provisions of the enactment of the Areas corresponding to the provisions of the Republican enactment under which such condition or restriction was imposed by an officer or authority of the Sovereign Base Areas who could lawfully have imposed such conditions or restriction under the provisions of such enactment of the Areas if the said goods had actually been imported into the Sovereign Base Areas.

(3) Any duty paid under the provisions of any Republican enactment in respect of the importation of goods into the Republic, shall, if such goods are at any time within the Sovereign Base Areas, be considered as being lawfully paid under the provisions of the enactment of the Areas corresponding to such Republican enactment.”.

New Sections 193A and 193B added to the principal Ordinance.

3. The principal Ordinance is hereby amended by inserting immediately after Section 193 thereof the following two new sections to be numbered 193A and 193B respectively :—

“Removal of goods between the Republic and the Sovereign Base Areas.

193A. There shall be no restriction upon the removal of goods from the Republic to the Sovereign Base Areas or from the Sovereign Base Areas to the Republic :

Provided that this subsection shall not apply if such goods are liable to seizure under any enactment of the Sovereign Base Areas or the possession, carrying, removal, harbouring, keeping or concealing such goods within the Sovereign Base Areas is contrary to any enactment of the Sovereign Base Areas and the provisions of subsections (1), (2) and (3) of section 193 of this Ordinance shall be taken into account in considering whether this proviso is applicable :

Provided further that nothing in this Section shall affect any provision of the Treaty of Establishment which relates to the Sovereign Base Areas.

Special evidential provisions relating to recognition of Republican enactments and functions of Republican Authorities.

193B. For the purpose of this Ordinance :—

- (i) a certificate under the hand of the Legal Adviser that any enactment of the Sovereign Base Areas or any provision thereof specified in such certificate corresponding to any enactment of the Republic or any provision thereof similarly so specified, or a certificate under the hand of the Fiscal Officer that any officer or authority of the Sovereign Base Areas as specified in such a certificate is equivalent to any officer or authority of the Republic similarly so specified, shall in either case be conclusive in any proceedings as to the matter so certified ; and

Ordinance
8 of 1973.

- (ii) the provisions of Section 23 of the Motor Vehicles and Road Traffic Ordinance 1973 in subsection (3) thereof shall apply in relation to judicial notice of any Republican enactment which any Court in the Sovereign Base Areas may take for the purposes of any criminal or civil proceedings in the Sovereign Base Areas. The said section shall apply in relation to any Republican enactment relevant to this Ordinance save and except that the words "any Republican enactment" shall be substituted for the "Republican Law" wherever they appear in the said Section 23 ; and
- (iii) the definition "Republican enactment" means any enactment of the Republic whether a law or any subsidiary legislation or any Public or Statutory Instrument in any way connected with customs or excise or the control of imports or exports and includes any subsidiary legislation, Public or Statutory Instrument enacted or made in the Colony relating to the same matters, which were in force in the Republic on the 16th day of August 1960 subject to any amendments or revocations enacted or made in the Republic thereafter :

Provided that any such enactment of the Colony which has not been so revoked shall be construed by any Court of the Sovereign Base Areas with such modifications as the Court considers appropriate, as if it were a Republican enactment enacted or made on or after the 16th day of August 1960, and in so construing such enactment the Court may take judicial notice of and take into account the manner in which such an enactment would currently be construed by the Courts of the Republic in consequence of the adaptation of enactments of the Colony as enactments of the Republic."

P. G. ADAMS

Chief Officer.

29th March, 1977.

(119/35)
