



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 477 of 26th July, 1977.
LEGISLATION

ORDINANCE 11 OF 1977.

AN ORDINANCE

TO PROVIDE FOR THE FACILITATION IN THE SOVEREIGN BASE
AREAS OF THE OPERATION AND ENFORCEMENT OF AN
AGRICULTURAL INSURANCE SCHEME ESTABLISHED
UNDER THE PROVISIONS OF THE AGRICULTURAL
INSURANCE LAW OF THE REPUBLIC.

R. D. AUSTEN-SMITH

21st July, 1977.

ADMINISTRATOR

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 Agricultural Insurance (Facilitation of Republican Agricultural Insurance Scheme) Ordinance, 1977. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
 - “agricultural crops” means the crops which are required to be compulsorily insured in accordance with an order made by the Administrator under section 6 ;
 - “agricultural insurance” and “insurance” means the insurance of agricultural crops as provided by section 5 ;
 - “cereals” includes wheat and barley ;
 - “citrus” includes oranges, mandarines, lemons and grapefruit ;

“deciduous trees” includes apples, pears, peaches, plums, apricots, cherries and almonds ;

“Fund” means the Agricultural Insurance Fund set up under the Republican Law ;

Cap. No. 224
and 8/60 (Laws
of Cyprus).
Ordinance
12/66.

“immovable property” has the meaning assigned to that expression by section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance ;

“insured person” means a person defined by section 5 ;

“movable property” means tangible property of every description except immovable property and includes any right or interest in any such property ;

“premium” means the contribution payable by insured persons for the insurance of their crops, as required by section 11 ;

“property” means movable and immovable property ;

“regulations” means the regulations made under this Ordinance by the Administrator ;

“Republican Board” means the Agricultural Insurance Board established under the provisions of the Republican Law ;

Law No. 19
of 1977.

“Republican Law” means the Agricultural Insurance Law of the Republic and any Regulations or statutory instruments made thereunder and includes any Republican Law substituted for or amending the same ;

“unavoidable natural causes” means those defined by section 8 ;

“vegetables” includes tomatoes, marrows, cucumbers, cabbage, cauliflowers, melons and watermelons.

PART II

RECOGNITION OF THE REPUBLICAN BOARD.

Recognition
of Republican
Board in the
Areas.

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

(2) The Republican Board shall be recognised in the Areas 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 Republican Board under the provisions of this Ordinance shall be of lawful effect in the Areas if they are effected 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.

(4) In order to give effect to the agricultural insurance provided in this Ordinance and the Republican Law, the Republican Board shall in the Areas have power to do any act which would be necessary to that effect and in particular to serve upon any person a written demand calling on such person to provide the Board within a fixed time limit and in the form prescribed by the Board, such estimate, reports and other information, with regard to any agricultural crops, as may, from time to time, be laid down in such a written demand :

Provided that such information shall be treated as being of a confidential nature and shall only be used by the Board.

4. The Republican Board shall be exempt from—

Exemption from
taxation, etc.

(a) payment of any dues and duties payable in respect of any customs legislation in force for the time being on any articles or materials imported by or on behalf of the Board for its use or generally for the carrying out of its powers and purposes ;

(b) stamp duty under the Stamp Duty Ordinance in force for the time being.

Ordinances
13/64, 10/68,
9/69 and 13/72.

PART III

AGRICULTURAL INSURANCE.

5. Every person or corporate body who is engaged in agriculture in the Areas, on a full-time or part-time basis, either in person or through members of his family or other persons or in partnership, regardless of whether agriculture is his main occupation, shall for the purposes of this Ordinance be deemed to be an insured person :

Insured
persons.

Provided that premiums paid or persons insured under the Republican Law shall be deemed to be premiums paid or persons insured under this Ordinance.

6. The Administrator shall prescribe by order published in the Gazette the agricultural crops the insurance of which is compulsory by all insured persons.

Agricultural
crops insured.

7.—(1) Every insured person shall be liable to pay to the Republican Board for the agricultural insurance of his crops a cash contribution hereinafter referred to as a premium.

Premiums.

(2) The premium shall be prescribed by Regulations made by the Chief Officer in consultation with the Republican Board and it may vary for each agricultural crop or for each category or group of agricultural crops and for each part of the Areas :

Provided that the premium shall not exceed 4% of the gross return from the agricultural crops insured under this Ordinance.

8.—(1) The agricultural insurance provided by this Ordinance shall cover direct damage to agricultural crops which is attributable to unavoidable natural causes.

Damage
covered.

(2) Where the damage in respect of which an insured person can claim compensation was caused at the beginning of the growing season and it is possible to resow or replant the same crop or another crop requiring the same farming operations, such compensation shall be assessed in accordance with the criteria laid down in Regulations which shall make provision as to whether the insured person has neglected or is unwilling to sow a new crop, the cost of sowing or planting the new crop as well as the estimated difference in income from each crop.

(3) For the purposes of this section—

(a) “direct damage” means any damage directly attributed to any unavoidable natural causes which is occasioned during the growing season in the normal course of events, but does not include damage caused to the fixed capital or damage which may affect the production of subsequent growing periods or damage caused because of a fall in prices :

Provided that direct damage shall include damage in relation to both the quantity and substantial quality of the crop, namely any damage which diminishes the commercial value of the crops on account of deformations, bruises, spots, cuts or similar reasons ;

(b) “unavoidable natural causes” means wheat rust, hail, frost, drought, floods and such other unavoidable natural causes as may from time to time be prescribed by the Administrator by order published in the Gazette.

Damage not covered.

9.—(1) The insurance provided by this Ordinance shall not cover the following damage, notwithstanding that it may be due to unavoidable natural causes :—

(a) damage to agricultural crops which have been sown or planted out of season, earlier or later than customary, as well as damage to crops the out-of-season production of which has been forced by unnatural means or handling :

Provided that the Republican Board may, from time to time prescribe, with the approval of the Chief Officer, by type of plant and area, the dates before or after which the sowing or planting may be a ground for not covering the damage, as well as other particulars relating to the application of this paragraph ;

(b) damage to potatoes caused within 20 days of the date of planting ;

(c) damage to tree and bushy perennial crops during the beginning of flowering and in the case of vines damage occurring during the opening of the buds ;

(d) damage to the produce of isolated trees or plants which are not grown in proper and systematic plantations. Such insurance shall not in any case cover damage in relation to—

(i) any crop grown on non-irrigated land less than half a donum in extent per plot and in the case of cereals one donum ;

- (ii) any irrigated crops grown on less than one fifth of a donum in extent per plot ;
- (iii) the yield of fruit trees bearing the same kind of fruit where they number less than ten per donum, except in the case of olive trees which may number less than three per donum, and in the case of mixed plantations, where there are less than three trees of the same kind per donum ;
- (e) damage to agricultural crops and plants and any varieties thereof grown outside their ecological environment ;
- (f) damage to agricultural crops caused—
- (i) after harvesting or pulling the plants from the soil ;
- (ii) after the removal of fruits from the trees or plants ;
- (iii) after maturity of the crop which was left unharvested on the plants or in the soil beyond the normal season for the area in which the crop is grown, except in cases where this was due to natural causes beyond the control of the insured person ;
- (g) damage which became more severe or widespread as a result of failure by the insured person to take timely and suitable measures and perform timely and necessary farming practices.

10. Every insured person in the Areas shall, provided there has been compliance with the obligations imposed by this Ordinance and the Republican Law, be entitled to receive compensation as prescribed by the provisions of the Republican Law in respect of any direct damage which his expected income from agricultural crops may have suffered as a result of any unavoidable natural causes as provided in section 8 of this Ordinance subject to the provisions and limitations in sub-section (2) of section 8 and section 9 of this Ordinance.

Compensation to insured persons.

11. The following provisions shall apply with regard to the pre-requisites for payment of compensation and the extent thereof :—

Pre - requisites for payment of compensation and extent thereof.

- (a) Where damage to cereals is caused by rust disease, the compensation payable shall be equal to the following rates :—

<u>Scale of damage</u>	<u>Rate of compensation per cent on the scale</u>
0 — 25%	Nil
26 — 50%	65%
51 — 75%	70%
76 — 100%	80%

- (b) Where damage to any agricultural crops is caused by hail, the compensation payable shall be equal to the following rates :—

<u>Scale of damage</u>	<u>Rate of compensation per cent on the scale</u>
0 — 20%	Nil
21 — 60%	70%
61 — 80%	75%
81 — 100%	80%

- (c) Where damage to any agricultural crops is caused by frost, the compensation payable shall be equal to the following rates :—

<u>Scale of damage</u>	<u>Rate of compensation per cent on the scale</u>
A. TREE CROPS	
0 — 20%	Nil
21 — 40%	50%
41 — 60%	55%
61 — 80%	65%
81 — 100%	70%

B. NON - TREE CROPS

0 — 20%	Nil
21 — 40%	40%
41 — 60%	50%
61 — 80%	55%
81 — 100%	65%

- (d) Where damage to cereals is caused by drought, the compensation payable shall be equal to the following rates :—

<u>Scale of damage</u>	<u>Rate of compensation per cent on the scale</u>
0 — 50%	Nil
50 — 75%	70%
76 — 100%	80%

- (e) Where damage to any agricultural crops is caused by floods, when such damage is over 25%, then the compensation payable shall be equal to the following rates :—

<u>Scale of damage</u>	<u>Rate of compensation per cent on the scale</u>
0 — 25%	Nil
26 — 50%	65%
51 — 75%	70%
76 — 100%	80%

(2) The total compensation payable shall be the sum total of the compensation provided for each scale or part thereof, as set out above.

12.—(1) The Administrator may in consultation with the Republican Board make Regulations for the better carrying out of the provisions of this Ordinance and for the regulation of any matter which this Ordinance may or is required to be regulated.

Regulations.

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

- (a) the manner, time, procedures and any other particulars relating to the calculation, payment and collection of premiums and the period within which they shall be paid :

Provided that any Regulations made under this sub-section may provide that where any agricultural crops are exported from the island of Cyprus, either in their natural form or otherwise, or are pooled or marketed by the Government of the Republic or by any of its authorised organisations or are otherwise pooled and disposed of collectively by any other person, the collection of the premium may be collectively effected on exportation, pooling or other manner of disposal as provided above, by adding the proportionate amount of premium to, or by the deduction thereof from, their price and the payment thereof directly to the Fund by any agency so authorised to collect the premium ;

- (b) the procedure relating to the verification and assessment of damage and the payment of compensation ;
- (c) the making of applications and returns by insured persons with regard to claims for compensation including the forms which may be used as well as the period within they shall be submitted.

(3) Any Regulations made under this Ordinance may provide that failure to comply with them constitutes an offence punishable by a fine not exceeding one hundred pounds or imprisonment not exceeding six months or to both such fine and imprisonment.

13. Any delay in the payment of the premium beyond the period fixed by the Republican Board for the various agricultural crops insured under this Ordinance shall entail the loss of up to 30% of the compensation payable.

Delay in payment of premium.

14. Any compensation payable under the provisions of the Republican Law shall not be subject to forfeiture, assignment, charge or attachment by any judicial action prior to its payment to the person entitled to it, but the provisions of this section shall not apply to any debts owing to the Administration, the Government of the Republic or the Republican Board.

Compensation not subject to forfeiture, etc.

PART IV

OFFENCES AND PENALTIES.

15.—(1) Every insured person who makes a false or inaccurate statement in relation to any material fact or matter about the insurance of his agricultural crops or about the damage caused to such crops or about the assessment and verification of such damage and in general about any other matter or other requirement under this Ordinance or Regulations made thereunder, shall be guilty of an offence.

Offences.

(2) Every insured person who refuses, neglects or omits the payment of a premium within the period prescribed for that purpose shall be guilty of an offence.

(3) Any person who prevents, obstructs or hinders any person duly authorised by the Republican Board in the execution of any act or operation with regard to the exercise of the functions of the Board in the Areas, shall be guilty of an offence.

Penalties.

16.—(1) Any person found guilty of an offence under Section 15 or under any Regulations made under this Ordinance, shall, on conviction, be liable to a fine not exceeding three hundred pounds or to imprisonment not exceeding one year or to both such fine and imprisonment.

(2) Where any insured person is convicted for any offence under this Ordinance or any Regulations made thereunder, the Court may in addition to any other sentence direct that any premiums due shall be paid by such person and any sum so adjudicated shall be collected as a penalty.

(3) Any fine imposed and collected shall be paid to the Republican Board.

PART V

MISCELLANEOUS.

17. The provisions of Sections 6, 7 and 9 of the Powers and Duties (Officers of the Republic of Cyprus) Ordinance, 1976 shall apply to the exercise of powers of the Board under the provisions of this Ordinance as if the Board were an officer of the Republic upon whom the Administrator by Order made under the provisions of the said Powers and Duties (Officers of the Republic of Cyprus) Ordinance, 1976 had conferred or imposed powers and duties in relation to this Ordinance.

18. This Ordinance shall come into operation upon its publication in the Gazette save section 10 which will come into operation on a date to be fixed by the Administrator by a notice in the Gazette.

Certain provisions of the Powers and Duties (Officers of the Republic of Cyprus) Ordinance, to apply to this Ordinance. Ordinance 4 of 1976.

Date of coming into force of this Ordinance.

21st July, 1977.

(195/7)

P. G. ADAMS

Chief Officer.