



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1121 of 20th February 1998
LEGISLATION

ORDINANCE 1 OF 1998

AN ORDINANCE
TO AMEND THE CUSTOMS AND EXCISE DUTIES
ORDINANCE

A. I. Ramsay
ADMINISTRATOR

17th February, 1998.

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 Duties (Amendment) Ordinance 1998 and shall be read as one with the Customs and Excise Duties Ordinance 1989 as amended from time to time (hereinafter referred to as “the principal Ordinance”).

Short title.

Ordinances 23/89,
16/90, 11/91,
20/91, 2/92, 8/92,
17/92, 9/93, 12/93,
3/94 and 12/95.

2. Section 6 of the principal Ordinance is hereby amended by deleting the word “twenty” appearing in line nine of subsection (2) thereof and substituting therefor the word “ten”.

Section 6 of the
principal
Ordinance
amended.

17th Februry, 1998
(119/36)

P.A. ROTHERAM
Chief Officer.

**AN ORDINANCE
TO PROVIDE FOR THE REGULATION OF
PRODUCTION, USAGE, STORAGE, PACKAGING,
IDENTIFICATION, TRANSPORTATION AND HANDLING
OF DANGEROUS SUBSTANCES**

A. I. Ramsay
ADMINISTRATOR

17th February, 1998.

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 Dangerous Substances Ordinance 1998.

2. For the purpose of protecting the population of fauna and flora and also the quality of the environment in the Sovereign Base Areas, the Administrator may make Regulations whereby -

- (a) Substances may be declared to be dangerous and classified into categories and groups for the purposes of the Regulations;
- (b) the importation, production, supply, usage and custody of dangerous substances or of any class or group thereof may be prohibited, restricted or regulated;
- (c) the storage of any dangerous substance or class or group of dangerous substances, may be prohibited, restricted or regulated and without prejudice to the generality of the foregoing provisions, such prohibition, restriction or regulation may apply to -
 - (i) the site and place of storage;
 - (ii) the buildings and installations or the containers and boxes in which the substances are stored;
 - (iii) the natural conditions of storage;
 - (iv) the maximum quantities of any dangerous substance or group or class of dangerous substances, which may be stored in any specific area or site.

Short title.

Power to make Regulations.

- (v) any other substances which shall not be stored together with dangerous substances.
- (d) the transportation of any dangerous substance or group or class of dangerous substances shall be controlled and without prejudice to the generality of the foregoing provisions, such Regulations may provide for-
 - (i) the design or construction of any vehicle or vessel used for transportation and the identification marks to be displayed thereon when any dangerous substance or group or class of dangerous substances is being transported;
 - (ii) the design and construction and the materials required for the construction of any container used for the transportation of any dangerous substance or group or class of dangerous substances;
 - (iii) the means of identification and marking of any container used to transport any dangerous substance or group or class of dangerous substances, the documents required to accompany the container and the warnings and directions required to be recorded on the containers or boxes and in the documents accompanying them.
- (e) any person who intends to transport any cargo of dangerous substances, shall be required to give to the Chief Officer, details of its mode of conveyance, its time of departure and the route to be followed, and whereby he may be empowered to restrict or determine the date and time of departure and the route which shall be followed.
- (f) the maximum quantity of any dangerous substance or group or class of dangerous substances which may be placed in any container or in any vehicle or vessel for transportation may be prescribed.
- (g) the conditions regarding the handling of dangerous substances or groups or classes of dangerous substances and the precautions and actions which shall be taken in cases of emergency may be prescribed and whereby training and guidance in connection with the foregoing matters shall be given to people so engaged.

ADMINISTRATION AND APPLICATION.

3.-(1) The Chief Officer may appoint a Chief Inspector and Inspectors by such title or titles as he may determine, as well as other officers or qualified persons as he may consider necessary for the application of this Ordinance and the Regulations made thereunder.

Chief Inspector
and Inspectors.

(2) For the purposes of this Ordinance "qualified person" means a person who is in possession of the required knowledge and competence to exercise the powers and duties which may be entrusted to him.

4. In exercising his duties an Inspector may -

- (1) enter any property where he has reasonable cause to believe

Powers of the
Inspectors.

that any activity or process is carried on in contravention of this Ordinance or the Regulations made thereunder which is likely to cause serious injury to any person;

(2) be accompanied by a police officer if he has reasonable cause to believe that he will be obstructed in performing his duties;

(3) be accompanied by such qualified person as may be authorised under section 3 of the Ordinance, and by any other person who may be able to assist him in performing his duties, and carry any equipment or materials which are necessary for carrying out the duties of an Inspector or of a qualified person;

(4) carry out or arrange for the carrying out by any qualified person of any tests or measurements which may be necessary in performing his duties;

(5) inspect, examine and check the functioning of any installation or equipment in any premises and measure or photograph anything which he may think necessary in order properly to perform his duties;

(6) direct that any premises or any part thereof or any installation or equipment or substance found therein, shall not be interfered with as long as it is considered reasonably necessary in order to carry out any test, measurement, examination or checking as provided in subsections (4) and (5), provided that compliance with such directions shall not require the termination or interruption of any essential industrial process carried on at such premises;

(7) require to be produced for inspection any books or documents which he has reasonable cause to believe contain information relating to the purpose of his investigation;

(8) require -

(a) the person in charge of the work or process carried on in the premises;

(b) any person found in the premises; and

(c) any person whom he has reasonable cause to believe has been employed in the premises or has had any connection with the work or process carried on at the premises at any time during the three previous months,

to supply either orally or in writing any information which such person may have or to which he may have access and which may be connected with the purpose of his investigation.

(9) Seize and remove any object or specimen of any substance which may be required for the purpose of any further investigation or as evidence of any offence committed in contravention of this Ordinance or the Regulations made thereunder;

(10) Require the manager or the occupier of the premises or their representatives or any of their employees who are present -

(a) to afford to him or to any qualified person, safe access to any part of the premises;

(b) to place at his disposal any means reasonably available for the carrying out of any tests, measurements, inspections or examinations, which may be deemed necessary for the purposes of his investigation.

OFFENCES AND PENALTIES

5. - (1) A person shall be guilty of an offence under this Ordinance if he - Offences.

- (a) intentionally delays or obstructs an Inspector from exercising his duties or powers under this Ordinance or the Regulations made thereunder; or
- (b) obstructs or attempts to obstruct any police officer or qualified person or any other person who has entered the premises accompanying an Inspector as provided in subsections (2) or (3) of section 4 in order to assist an Inspector; or
- (c) fails to comply with any direction given to him by an Inspector by virtue of subsection (6) of section 4; or
- (d) fails to produce within a reasonable period of time, any book or document which he is required to produce by virtue of subsection (7) of section 4, unless he can prove that -
 - (i) he was not aware that such production was required by an Inspector; or
 - (ii) he had no access to the book or document in question; or
 - (iii) he had no authority to take such book or document; or
- (e) being one of those persons described in sub-paragraphs (a) to (c) of subsection (8) of section 4, fails after a reasonable time, to give the information required of him by an Inspector or gives information which is false, incorrect or incomplete; or
- (f) being one of those persons described in subsection (10) of section 4, fails, after a reasonable time-
 - (i) to afford to an Inspector or to any qualified person who has entered the property accompanying an Inspector, safe access to any part of the premises;
 - (ii) to place at the disposal of an Inspector or of any qualified person who has entered the premises accompanying an Inspector, any means necessary for the conducting of tests, measuring, inspections or examinations,

provided that in each case he has the power so to do and that the means referred to in sub-paragraph (ii) of this paragraph are reasonably available; or

- (g) falsifies any certificate which is required under this Ordinance or any order, regulation or rules made by virtue of this Ordinance; or
- (h) gives or signs such certificate knowing that this is untrue in relation to any material fact; or
- (i) knowingly produces or uses a certificate which has been falsified or is untrue in relation to any material fact; or
- (j) produces or uses any certificate relating to any person when he is aware that this does not in fact relate to such person; or

- (k) pretends to be a person who is named in such a certificate; or
- (l) pretends that he is an Inspector; or
- (m) knowingly consents to any such falsification, signature, usage, personification or pretence; or
- (n) knowingly makes a false entry in any catalogue, book, notice, certificate or document which is required under or for the purposes of this Ordinance or of any order, regulation or rule made thereunder; or
- (o) knowingly makes or signs a false declaration which is required under or for the purposes of this Ordinance or of any order, regulation or rule made thereunder; or
- (p) knowingly makes use of such false entry or declaration as hereinbefore referred to.

(2) A person guilty of an offence under subsection (1) shall be liable on conviction to the payment of a fine not exceeding two thousand pounds or to a term of imprisonment not exceeding two years or to both such penalties.

6. -(1) The disclosing of any information obtained by a person, directly or indirectly in the course of exercising any powers under this Ordinance, which may relate to a trade secret, shall be an offence unless such action is taken -

- (a) with the consent of the manager of the business or of the person who has the right to use or keep the trade secret; or
- (b) for the purpose of complying with the provisions of this or any other relevant Ordinance; or
- (c) for the purposes of criminal proceedings brought under this Ordinance; or
- (d) for the purposes of any investigation which is conducted by or on behalf of the Administrator or the Chief Officer in complying with the provisions of this or any other relevant Ordinance

(2) A person guilty of an offence under subsection (1) shall be liable on conviction to the payment of a fine not exceeding two thousand pounds or to a term of imprisonment not exceeding two years or to both such penalties.

7. The Sovereign Base Areas Administration shall not be liable for any bodily injury, loss or damage caused by any dangerous substance by reason only that an officer or any appropriate authority of the Sovereign Base Areas has consented to, approved or laid down any route which a vehicle shall or shall not follow or by reason that any restriction under this Ordinance or any Regulation has been imposed.

17th Februry, 1998
(119/12/2)

P.A. ROTHERAM
Chief Officer.



