



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1177 of 27th July 2000
LEGISLATION

ORDINANCE 5 OF 2000

AN ORDINANCE
TO PROVIDE FOR THE CONTROL OF HYGIENE
AND SALE OF FOOD

A. I. RAMSAY
ADMINISTRATOR

24th July 2000.

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 Food (Sale and Control) Ordinance 2000. Short title.

2. In this Ordinance unless the context otherwise requires - Interpretation.

“advertisement” includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, and “advertise” shall be construed accordingly;

“analysis” includes microbiological assay and any technique for establishing the composition of food, and “analyse” shall be construed accordingly;

“animal” means any creature other than a bird or fish;

“article” does not include a live animal or bird, or a live fish which is not used for human consumption while it is alive;

“authorised officer” means -

(a) a health inspector of the Medical and Public Health Services of the Republic;

(b) any other person authorised by the Chief Officer for the purposes of this Ordinance;

“Court” means the Judge’s Court of the Sovereign Base Areas;

“fish” includes crustaceans and molluscs;

“food” includes -

(a) drink including water offered for sale;

(b) articles and substances of no nutritional value which are used for human consumption;

- (c) chewing gum and other products of a like nature and use; and
- (d) articles and substances used as ingredients in the preparation of food,

but does not include –

- (a) live animals or birds, or live fish which are not used for human consumption while they are alive;
- (b) fodder or feeding stuffs for animals, birds or fish; and
- (c) controlled drugs;

“human consumption” includes use in the preparation of food for human consumption;

“importer” includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or is in any way entitled to the custody or control of the article;

“insanitary conditions” means such conditions or circumstances as are likely to infect, pollute or render food injurious to health;

“preparation,” in relation to food, includes manufacture and any form of processing or treatment, and “preparation for sale” includes packaging, and “prepare for sale” shall be construed accordingly;

“Republican Analyst” means the Director of the General Laboratory of the Republic;

“sale” includes the offer of any food as a prize or reward or given away in connection with any entertainment to which the public are admitted whether on payment of money or not;

“section” or “subsection” means a section or subsection of this Ordinance.

3. - (1) Any person who sells, prepares for sale or imports for sale any food which -

- (a) contains anything which renders it injurious to health;
- (b) is composed in whole or in part of any dirty, decayed or contaminated substance;
- (c) is unfit for human consumption;
- (d) is adulterated; or
- (e) was prepared, preserved, packed, transported or stored in insanitary conditions,

shall be guilty of an offence under this Ordinance and shall be liable in the case of a first offence to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand pounds or to both such penalties and in the case of a second or subsequent offence to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand pounds or to both such penalties.

(2) Where any regulations made under this Ordinance prohibit or restrict the addition or the presence of any substance in any article of food, the addition or presence of such substance, in contravention of the regulations, shall be presumed for the purposes of this Ordinance to render such article injurious to health, unless the contrary is proved.

(3) Where an article of food which does not fulfil the requirements of this section is part of a batch, lot or consignment of food of the same class or description, it shall be presumed for the purposes of this section, until the contrary is proved, that all of the food in that batch, lot or consignment fails to fulfil those requirements.

4. - (1) Any person who sells to the purchaser's prejudice, any food which is not of the nature or substance or quality demanded by the purchaser shall be guilty of an offence and shall in the case of a first offence be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand pounds or to both such penalties and in the case of a second or subsequent offence to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand pounds or to both such penalties.

Prohibition against sale of food not of the nature, substance or quality demanded.

(2) An offence under this Ordinance shall not be committed -

- (a) where any substance not injurious to health has been added to any article of food purely as a requirement of its production, preparation, transportation or consumption and not intended fraudulently to increase its volume, weight or size, or to conceal its inferior quality;
- (b) where the article of food is the subject of a patent in force, and is supplied in accordance with the specifications of such patent, or where it is manufactured privately:

Provided that:

- (1) at the time of the sale of the article a notice by label distinctly and legibly written or printed in Greek to the effect that it contains such other ingredients or materials as shall be specified therein; or
- (2) at the time of delivery of the article of food, the person to whom it is delivered is supplied with a notice by label distinctly and legibly written or printed in Greek to the effect that it contains such other ingredients or materials as shall be specified therein.

(c) where the article of food is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(3) In any prosecution under this section, it shall be no defence to allege that the purchaser is not prejudiced having bought only for analysis.

(4) Where regulations made under this Ordinance prescribe the composition of any article of food intended for sale, or prohibit or restrict the addition of any additive or other ingredient or material to any such article, the purchaser of the article shall, unless the contrary is proved, be deemed for the purposes of this section to have demanded an article complying with the provisions of the regulations.

5. - (1) The Chief Officer may by order require any person who carries on a business which includes the preparation, importation or use of any substance in relation to which this Ordinance applies, to supply to him, within such time as he may specify in the said order, any information relating to the composition or use of any such substance as is stated in the order and which is sold in the course of the business or is used in the preparation of food.

Power of Chief Officer to demand details relating to ingredients of certain foods.

(2) The information supplied under subsection (1) shall be treated as confidential.

(3) Without prejudice to the generality of subsection (1) above an order made under this section, may require information regarding-

- (a) the composition and chemical formula of the substance;
- (b) the manner of use or intended use of the substance in the preparation of food;
- (c) any investigations being carried out by or with the knowledge of the person carrying on the business, for the purpose of ascertaining whether and to what extent such substance or any product formed by it is injurious to health or in any other way affects health;
- (d) any research being carried out by or to the knowledge of the person carrying on the business, for the purpose of ascertaining the cumulative effects on the health of a person who consumes such substance in normal quantities.

Prohibitions.

6. - (1) Any person who gives with any food sold by him, or displays with any food offered or exposed by him for sale or has in his possession for the purpose of sale, a label, whether or not attached to or printed on the wrapper or container, which -

- (a) falsely describes the food; or
- (b) is likely to mislead as to the nature or substance or quality of the food,

shall be guilty of an offence.

(2) Any person who publishes, or is a party to the publication of an advertisement (not being such a label given or displayed by him as mentioned in subsection (1) above) which -

- (a) falsely describes any food; or
- (b) is likely to mislead as to the nature or substance or quality of any food,

shall be guilty of an offence.

(3) Any person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, any food the presentation of which is likely to mislead as to the nature or substance or quality of the food shall be guilty of an offence.

(4) In proceedings for an offence under subsection (1) or (2) above, the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.

(5) In this section references to sale shall be construed as references to sale for human consumption.

7. Any person who, in insanitary conditions, manufactures, prepares, preserves, packs, transports or stores any article of food for the purpose of sale commits an offence under this Ordinance.

8. If any person abstracts from any article of food any part of it so as to affect injuriously its nature, substance or quality with the intent that it may be sold in its altered state without notice, or if

Protection from liability where article properly labelled and notice thereof given.

Abstraction from articles of food of constituents thereof.

any person sells any article so altered without making disclosure of the alteration, he shall be guilty of an offence.

9. If any person sells, or exposes or offers for sale, or orders or permits any other person to sell or expose or offer for sale, or has in his possession for the purpose of sale, any article of food, which for any reason has deteriorated or become decomposed, whether in whole or in part, so as to be unfit for human consumption, he shall be guilty of an offence.

Sale of decomposed food prohibited.

10. - (1) Any person who imports or sells or exposes for sale any article of food which is adulterated or from which a constituent has been abstracted or which is not complete, shall be guilty of an offence, unless such article is imported or sold or offered for sale in packing or packaging on which it is labelled in Greek that the article of food is adulterated or that ingredients have been abstracted from it or that it is not complete.

Restrictions on importation etc. of agricultural and other produce.

(2) For the purposes of this section, an article of food is deemed to be adulterated if it has been mixed with any other substance or if any part of it has been abstracted so as in either case to affect injuriously its nature, substance or quality.

(3) An article of food shall not be deemed to be adulterated by reason only of the addition of a substance of such nature and in such quantity as not to render the article injurious to health.

(4) This section shall apply to articles of food which the Chief Officer shall prescribe by an order published in the Gazette.

11. - (1) Any person authorised in that behalf by the Chief Officer may at all reasonable times –

Powers of authorised officers.

- (a) enter any premises, other than a private dwelling house, in which he has reasonable cause to believe that any article to which this Ordinance or regulations apply, is prepared, manufactured, preserved, packed, stored or sold, for the purpose of inspecting such article, taking samples thereof on payment of a reasonable price and of inspecting anything he reasonably believes is used or can be used for such preparation, manufacture, preservation, packing, storage or sale;
- (b) inspect any means of transport and open and inspect any container, can, box or package, which he has reasonable cause to believe contains any article to which this Ordinance or regulations or any compulsory standards apply;
- (c) inspect any books or documents in any premises referred to in this subsection which he has reasonable cause to believe contain information or entries regarding any articles to which this Ordinance or regulations apply, and take copies or extracts thereof;
- (d) seize, for such period as he considers necessary, any article which he has reasonable cause to believe contravenes this Ordinance and require that such article shall remain at that place or be removed to any place he directs;
- (e) destroy any article to which this Ordinance or the regulations apply, which contravenes the provisions of section 3;

- (f) take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty. A police officer shall be under a duty to accompany an authorised officer whenever so requested.

(2) Any person who objects to the seizure of an article under paragraph (d) of subsection (1) above, may appeal in writing to the Chief Officer, who shall consider and decide the matter and notify his decision to the appellants.

(3) Any person in possession or control of any premises which an authorised officer enters under subsection (1) above, shall afford to such officer any information or assistance he may reasonably require.

(4) Any person who -

- (a) intentionally makes a false statement to any authorised officer during the execution of his duties under this Ordinance or regulations made thereunder; or
- (b) without the permission of an authorised officer removes, alters or interferes in any manner with any article to which this Ordinance or regulations made thereunder apply, which has been seized under this section,

shall be guilty of an offence.

(5) (a) Where an authorised officer during the execution of his duties under this section, determines -

- (i) that articles of food that contravene the provision of section 3 are produced or kept in any premises; or
- (ii) that in any premises in which food is sold or prepared for sale there are insanitary conditions,

he may prohibit, in a manner as may be prescribed, the continued operation with respect to food in such premises for a period not exceeding four days and for such further period or periods each not exceeding four days as he may in all the circumstances deem necessary.

- (b) During any such prohibition, the person in possession or control of the premises shall be under a duty to carry out all necessary measures for the removal of the causes for which such prohibition was imposed:

Provided that if an authorised officer is satisfied that the reasons for which the prohibition was imposed have ceased to exist before the end of a period of prohibition, he may permit the operations on the premises to resume again before the expiration of the period of prohibition.

(6) For the purposes of this section the phrase "article in relation to which this Ordinance or the regulations made thereunder apply" means -

- (a) any article of food;
- (b) anything that is used for the manufacture, preparation, conservation, packing, or storage of such article; and
- (c) any material that is used in advertising or labelling of such article.

12. - (1) Where an authorised officer takes a sample of food, he shall, if he suspects the sample or the article from which the sample was taken to have been sold contrary to any provision of this Ordinance or any regulation made thereunder, submit it to the Republican Analyst for analysis.

Right to have samples analysed.

(2) Any purchaser of an article of food shall, upon payment of the fee prescribed in the appropriate Republican law, be entitled to submit it to the Republican Analyst for analysis.

(3) The Republican Analyst shall, as soon as practicable, analyse any sample submitted as aforesaid and shall give to the person by whom the sample was sent a certificate specifying the result of the analysis in the form set forth in the Schedule.

Schedule.

13. - (1) Where an authorised officer takes a sample of food or seizes any article, with the intention of submitting such sample or article for analysis, he shall forthwith notify to the seller or his agent his intention to have it analysed and shall then divide such sample or article into three parts, and shall label and seal or secure each part as its nature will permit, and shall -

Division and separation of samples.

- (a) if required to do so deliver one part to the seller or his agent;
- (b) retain one part for future comparison;
- (c) submit one part to the Republican Analyst for analysis.

(2) Where in the opinion of the authorised officer the division of the sample and/or article is impracticable or is likely to affect the sample or article or the analysis thereof, he shall instead, label and seal or secure the whole sample or article in such manner as the nature thereof will permit and submit it to the Republican Analyst for analysis.

(3) Unless the contrary is proved, where a sample or article is taken from an automatic vending machine, the seller is deemed to be the person in possession of the premises where such machine is situated.

(4) In this section "seller" shall mean the person responsible for the sale, manufacture, preparation or importation of the article of food.

14. - (1) Without prejudice to the powers of authorised officers under this Ordinance, any officer of Customs may take samples of any imported article of food, for the purpose of ascertaining whether the provisions of this Ordinance or the regulations made thereunder are complied with, and may impose such restrictions regarding the importation of such articles of food as he considers appropriate.

Certificate of Republican Analyst prima facie evidence.

(2) Where an officer of Customs takes a sample of any imported article of food, in pursuance of subsection (1) above, he shall divide it into three parts, and shall label, seal or secure each part as its nature will permit, and send one part to the importer, one part to the Republican Analyst for analysis and retain one part.

(3) Where in the opinion of such officer the division of the sample is impracticable or is likely to affect the analysis, he shall instead, label and seal or secure the whole sample in such manner as its nature will permit and shall send it to the Republican Analyst for analysis.

Powers of Customs
Officers.

15. Any person who wilfully obstructs or impedes an authorised officer or an officer of Customs in the execution of his duties under this Ordinance or any regulations made thereunder or by any gratuity, bribe, promise or other inducement, prevents or attempts to prevent the due execution by any such officer of his duty or function under this Ordinance or any regulations made thereunder, shall be guilty of an offence.

Obstruction of
Officers in
discharge of
duties.

16. - (1) Unless the contrary is proved, every article of food is presumed to have been prepared by the person whose name, address or trade mark is signified on the box, receptacle, case or wrapping which contains the article of food.

(2) Unless the contrary is proved, every substance normally used for human consumption and which is found in premises used for the preparation, storage or sale of such a substance and every substance normally used for the preparation of food for human consumption and which is found in premises used for the preparation, storage or sale of food for human consumption, is deemed to be intended for sale or to be used for the preparation of food for sale for human consumption.

Presumptions.

17. In any prosecution for an offence under the provisions of sections 3, 4, 8, 9 and 10 the production by the prosecuting officer of a certificate of the Republican Analyst in the form prescribed in the Schedule hereto shall be sufficient evidence of the facts stated therein unless the accused requires that the Republican Analyst shall be called as a witness

Power of Chief
Officer to demand
laboratory test for
certain industries.

18. - (1) The Chief Officer may require all substances added to food as well as any foods to which such substances have been added and which are used or manufactured by certain prescribed categories of industry, to be submitted to the Republican Analyst for analysis.

(2) The details and results of such analysis shall be entered in a register to be kept specifically for this purpose by the Chief Officer and shall be signed by the Republican Analyst.

(3) The details and results of such analysis shall be retained for a period of at least two years after the expiry date of the articles of food to which they refer.

Labelling of
manufacture food.

19. It shall be an offence under this Ordinance to sell any article of food contained in any box, case, receptacle or wrapping unless the said box, case, receptacle or wrapping is labelled in Greek with -

- (a) a description of the article of food;
- (b) the details of its manufacturer;
- (c) its expiry date;
- (d) full details of the ingredients of such article and a code for recognition of every consignment of production in accordance with the Standards of labelling or marking applicable in the Republic;
- (e) any other prescribed details.

Power of Court to
order confiscation
of food.

20. A Court which finds a person guilty of an offence under this Ordinance or regulations made thereunder, may, in addition to any other penalty which it may impose, order -

- (a) the confiscation, destruction or disposal in any other way of any article of food in relation to which the offence was committed;
- (b) the closure of any premises in relation to which or within which the offence was committed.

21. Any person who acts in contravention of, or fails to comply with any provision of this Ordinance or any regulations made thereunder, shall be guilty of an offence.

Contravention of regulations.

22. A person found guilty of an offence for which no other penalty is provided under this Ordinance, shall be liable -

General penalty.

- (a) in the case of a first offence, to a fine of five hundred pounds;
- (b) in the case of a second offence, to imprisonment of three months or to a fine of one thousand pounds or to both such penalties;
- (c) in the case of a subsequent offence, to imprisonment of six months or to a fine of three thousand pounds or to both such penalties.

23. No person shall be convicted of a criminal offence in relation to the sale of any article of food, if he proves that -

Want of knowledge.

- (a) the article of food was supplied to him in a sealed container by another person and that he sold such article in the same sealed container and in the same condition as it was at the time of its supply to him; and
- (b) he could not, after taking all reasonable steps, ascertain that the sale of such article of food was made in contravention of any provision of this Ordinance or regulations made thereunder.

24. Where an offence is committed under this Ordinance or the regulations made by a corporate body, every person who at the time when the offence was committed, held the post of either a professional consultant, director, secretary or other similar post in the corporate body, is deemed to be guilty of the offence, unless he proves that such offence was committed without his consent, complicity or negligence, and shall on conviction be liable to the penalty provided for such offence.

Offence committed by legal person.

25. The Administrator may make regulations in relation to any matter which may be prescribed under the provisions of this Ordinance and generally for the purpose of putting this Ordinance into effect and in particular but without prejudice to the generality of the foregoing provisions may make regulations for all or any of the following purposes:-

Power to make Regulations.

- (a) for prescribing and generally regulating the composition of any article of food intended for sale for human consumption or any class of such food;
- (b) for prescribing microbiological criteria relating to the quality of food;
- (c) for prescribing, prohibiting or regulating the addition or presence of any specified substance or class of substances, to food intended for sale for human consumption or any class of such food;

- (d) for requiring, prohibiting or regulating the use of any process or treatment in the preparation, manufacture, preservation, packing, storage or transportation, of any food intended for sale for human consumption or use of any class of such food;
- (e) for prohibiting or regulating the use of any article or substance which comes into contact with food;
- (f) for providing for the keeping of books or documents which are necessary for the application of this Ordinance or any regulations made thereunder;
- (g) for prohibiting or regulating the sale, possession for sale, offer or exposure for sale, consignment or delivery of food in relation to which an offence has been committed in contravention of this Ordinance or the regulations made thereunder or would have been committed if any relevant act or omission had taken place in the Areas and for prohibiting or regulating the importation of any such food;
- (h) for prohibiting or regulating the sale, possession for sale or offer, exposure or advertisement for sale, or storage of any specified substance, or of any substance of any specified class, for the purpose of using it in the preparation of food for human consumption, and the possession or storage of any such substance for use in the preparation of food intended for human consumption;
- (i) for further regulating the labelling, marking or advertising of food intended for human consumption, as well as the description of such food;
- (j) for further regulating the manner in which samples may be taken under the provisions of this Ordinance;
- (k) for providing for -
 - (i) the registration or licensing of premises where any article of food intended for sale for human consumption, is prepared, produced, stored or manufactured;
 - (ii) the registration or licensing of persons owning or controlling such premises;
 - (iii) the control of persons employed in such premises, or engaged in the distribution of any articles of food prepared, produced or manufactured in such premises;
 - (iv) the inspection of premises in which articles of food are prepared, produced, manufactured or stored for sale for human consumption, or where such articles of food are sold or exposed for sale;
 - (v) measures to be taken for the prevention of danger arising to public health from importation, preparation, manufacture, storage and distribution of articles of food intended for sale for human consumption;
 - (vi) determining whether any substance is missing from the normal constituents of any article of food and for determining what addition of extraneous matter or

proportion of water is likely to constitute proof under this Ordinance that such article of food is not genuine or is injurious to health;

- (vii) prohibiting or regulating the sale, possession for sale, offer, exposure or advertisement for sale or the storage -
 - (a) of any novel food or sources of food from which such article may be extracted;
 - (b) of any genetically altered article of food or sources of food from which such article may be extracted.

For the purposes of this paragraph -

“novel article of food” means any article of food not previously used in the Areas or the Republic or used only to a limited extent;

“genetically altered article of food” means any article of food whose gene or other genetic substance has been altered by means of artificial techniques.

26. - (1) The sale of Food and Drugs Ordinance is hereby repealed.

Abolition and saving. Cap.261 (Laws of Cyprus).

(2) All regulations, orders, appointments, authorisations, approvals, licences, certificates or other acts done under the Ordinance repealed shall be deemed to have been done under this Ordinance and shall be valid and applied as if they were made under this Ordinance.

(3) The Administrator may, by order, having regard to military requirements and security needs, exempt any premises from all or any provisions of this Ordinance for any period he deems necessary provided that the health of consumers from any article of food manufactured, prepared or sold there is otherwise adequately protected.

SCHEDULE**(Section 12 (4))****FORM OF CERTIFICATE.**To ⁽¹⁾

I, the undersigned, do hereby certify
 that I received on the _____ day of _____ 20____ ,
 from ⁽²⁾ _____ a sample of
 _____ for analysis (which then
 weighed ⁽³⁾ _____) and have analysed the same,
 and declare the result of my analysis to be as follows:-

I am of opinion that the same is a sample of genuine
 or

I am of opinion that the said sample contained the parts as under,
 or the percentages of foreign ingredients as under:-

Observations ⁽⁴⁾

As witness my hand this _____ day of _____ 20____

(Signature)

Republican Analyst.

-
- 1 Here insert the name of the person submitting the article for analysis.
 - 2 Here insert the name of the person delivering the sample.
 - 3 When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.
 - 4 Here the Republican Analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable or palatable, or of preserving it, or of improving the appearance or was unavoidable, and may state whether in excess of what is normal, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

24th July 2000
 (205/2/2)

 D.J. BONNER,
 Chief Officer.

ORDINANCE 6 OF 2000

**AN ORDINANCE
TO CONTROL THE SALE, SUPPLY AND
MANUFACTURE OF MEDICINES
AND OTHER RELATED PRODUCTS**

A. I. RAMSAY
ADMINISTRATOR

24th July 2000.

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 Medicines (Control of Sale, Supply and Manufacture) Ordinance 2000.

Short title.

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

Interpretation.

“animal” includes all mammalia, birds, reptiles, insects, amphibia, fish, crustaceans and molluscs;

“appropriate Republican law” means the Medicines (Control of Quality, Supply and Prices) Law of 1967;

Law No. 6/67
(Republic).

“authorised seller of poisons” has the meaning assigned to it by section 2 of the Pharmacy and Poisons Ordinance;

23/64, 10/70, 4/71
and 17/89.

“consumer”, in relation to any medicinal product or item of medical supplies, means a person who buys or otherwise acquires such product or item for any purpose whatsoever, other than for sale or for use in any process of manufacture;

“controlled medical supplies” or “controlled medical services” means any medical supplies or services which are subject to control in the Republic under and by virtue of the appropriate Republican Law;

“controlled medicinal product” means a medicinal product the sale, supply, manufacture or importation of which is subject to control in the Republic under and by virtue of the appropriate Republican Law;

“Court” means either the Judge’s Court or the Senior Judge’s Court of the Sovereign Base Areas;

“dispensing” means supplying a medicinal product in accordance with a prescription given by a registered medical practitioner, a registered dental surgeon or a registered veterinary surgeon;

“import” means bringing into the Areas from any place outside the Areas other than the Republic medicinal products or medical supplies for the purposes of sale or supply in the Areas and “importing” or “importation” has a corresponding meaning;

“manufacturer” means a person who engages, whether by himself or through others, in the manufacture or assembling of medicinal products or medical supplies;

“maximum fee” means the maximum fee for a controlled medical supply applicable in the Republic under the appropriate Republican Law;

“maximum percentage of profit” means the maximum percentage of profit in respect of a controlled medicinal product or an item of medical supplies as is applicable in the Republic under the appropriate Republican Law;

“maximum price” means the maximum price fixed for a controlled medicinal product or an item of medical supplies as is applicable in the Republic under the appropriate Republican Law;

“medicinal product” has the meaning assigned to it by section 3;

“medicated animal feeding stuff” means any substance which is intended for use either by being fed to one or more animals or as an ingredient in the preparation of such a substance and which is or contains a controlled medicinal product;

“medical services” means services related to or connected with medicinal products or medical supplies;

“medical supplies” means surgical ligatures and sutures, any absorbent or protective material capable of being absorbed by the body tissues which may be offered for use in surgical operations, surgical dressing, hospital equipment, medical equipment, optical lenses, optical equipment, dental equipment, dental instruments and supplies, x-Ray films, x-Ray accessories, x-Ray appliances and laboratory equipment but does not include cosmetics, mineral waters and dietetic preparations;

“prescription only medicine” means any controlled medicinal product which is included in the Republican prescription only list;

“registered”, in relation to a medical practitioner, dental surgeon, pharmacist, veterinary surgeon or nurse, means registered or licensed in accordance with the provisions of the Medical Practitioners Ordinance, the Dentists Ordinance, the Pharmacy and Poisons Ordinance, the Veterinary Surgeons Ordinance and the Nursing and Midwifery Ordinance respectively;

“regulations” means any regulations made under this Ordinance;

“Republican Analyst” means the Director of the General Laboratory of the Republic;

Law No. 6/67
(Republic).

Ordinance 10/64,
Ordinance 11/64,
Ordinances 23/64,
10/70, 4/71 and
17/89,
Ordinance 21/64,
Ordinance 20/64.

“Republican prescription only list” means the list of those controlled medicinal products the sale and supply of which by a retailer in the Republic is prohibited except in accordance with a prescription given by a medical practitioner, dental surgeon or veterinary surgeon authorised for that purpose under the appropriate Republican Law;

“sale by retail” or “retail sale” means a sale or supply direct to a consumer and “retailer” has a corresponding meaning;

“sale by wholesale” means a sale other than a sale or supply to a consumer and “wholesaler” has a corresponding meaning;

“section” or “subsection” means a section or subsection of this Ordinance;

“veterinary medicine” means any medicinal product intended for the treatment of animals.

3. - (1) Subject to the following provisions of this section, in this Ordinance “medicinal product” means any substance or article (not being an instrument, apparatus, appliance or other item of medical supplies) which is manufactured, sold, supplied, or imported for use wholly or mainly in either or both of the following ways, that is to say –

Definition of medicinal product.

- (a) use by being administered to one or more human beings or animals for a medicinal purpose;
- (b) use, in circumstances to which this paragraph applies, as an ingredient in the preparation of a substance or article which is to be administered to one or more human beings or animals for a medicinal purpose.

(2) In this Ordinance “a medicinal purpose” means any one or more of the following purposes, that is to say –

- (a) treating or preventing disease;
- (b) diagnosing disease or ascertaining the existence, degree or extent of a physiological condition;
- (c) contraception;
- (d) inducing anaesthesia;
- (e) otherwise preventing or interfering with the normal operation of a physiological function, whether permanently or temporarily, and whether by way of terminating, reducing or postponing, or increasing or accelerating, the operation of that function or in any other way.

(3) In paragraph (b) of subsection (1) above the reference to use in circumstances to which that paragraph applies is a reference to any one or more of the following, that is to say -

- (a) use in a pharmacy or in a hospital;
- (b) use by a medical practitioner, dental surgeon or veterinary surgeon.

(4) Medicated dressings are not excluded from the definition of medicinal products if their medication has a curative function which is not limited to sterilising the dressing.

Marketing licence

4. - (1) No person shall, in the course of a business carried on by him, manufacture, sell, supply or import a controlled medicinal product unless there is in relation to that product a valid licence issued by the authorised licensing authority of the Republic under the appropriate Republican Law permitting the manufacture, sale, supply or importation of that product in the Republic and provided the storage, labelling, sale, supply or importation of the product is in accordance with the conditions of such licence and the provisions of the appropriate Republican Law and provided also that there is displayed on the product or its packaging the identifying number of the said licence.

(2) Notwithstanding the provisions of subsection (1) above no person shall, in the course of a business carried on by him, sell, supply or import any medicinal product if in relation to that product a prohibition order has been issued under subsection (2) of section 19.

(3) No person shall, in the course of a business carried on by him, sell, supply or import a medicinal product in contravention of any of the conditions imposed by regulations made under section 17.

Control of sale and supply of prescription medicines.

5. - (1) Subject to the provisions of this section, no person shall sell or supply a prescription only medicine or any preparation of which any such medicine is an ingredient or part, unless –

- (a) he is a registered medical practitioner, a registered dental surgeon or a registered veterinary surgeon, and such medicine is sold or supplied for the purposes of treatment by or in accordance with the directions of that practitioner or surgeon;
- (b) he is a registered pharmacist or an authorised seller of poisons and the said prescription or preparation is sold or supplied under the authority of a prescription signed and dated by a registered medical practitioner, a registered dental surgeon or a registered veterinary surgeon.

(2) The foregoing subsection shall not apply to the sale or supply of any such medicine or preparation as aforesaid, where such sale or supply is made –

- (a) by way of wholesale;
- (b) for the purpose of being exported;
- (c) to any registered medical practitioner, dental surgeon or veterinary surgeon for the purpose of his profession, if the supply or sale is made by a registered pharmacist or an authorised seller of poisons;
- (d) to any hospital, dispensary, veterinary clinic or similar institution or any person or institution concerned with scientific education or research, if such hospital, dispensary, veterinary clinic, institution or person is approved for this purpose by Order of the Chief Officer published in the Gazette.

(3) No person shall administer (otherwise than to himself) by way of treatment, a prescription only medicine or a preparation of which any such medicine is an ingredient or part, unless he is a registered medical practitioner, dental surgeon or veterinary surgeon or a person acting in accordance with the directions of such a practitioner or surgeon.

(4) No person shall, unless he is so entitled by virtue of subsection (2) above, possess veterinary medicines that are prescription only medicines or medicated animal feeding stuffs, unless he acquires them under the authority of a prescription.

6. - (1) The Chief Officer may by order published in the Gazette permit the importation of veterinary medicines in limited quantities, for the purpose of preventing or treating diseases of animals of a particular farm unit.

Special cases for the importation of veterinary medicines.

(2) It shall be unlawful for any person to sell or supply such imported veterinary medicines by way of sale by retail or wholesale.

7. - (1) No person shall in the course of a business carried on by him, sell or offer to sell any controlled medicinal product or controlled medical supplies at a price exceeding any maximum price or at a price that enables that person to make a profit that exceeds any maximum percentage of profit.

Control of prices of medicines.

(2) No pharmacist shall charge, offer or agree to charge a fee for dispensing a medicinal product that is in excess of any maximum fee.

8. The seller of any controlled medicinal product or controlled medical supplies, shall comply with all requirements as respects invoices and receipts as are applicable in the Republic under the appropriate Republican Law.

Invoices and receipts.

9. - (1) Every wholesaler and retailer of controlled medicinal products or controlled medical supplies and every owner of an animal farm unit or manufacturer preparing medicated feeding stuffs shall make and maintain records of sales and purchases in the same manner and to the same extent as is required in the Republic under the appropriate Republican Law.

Books to be kept.

(2) Where a maximum fee for dispensing is applicable every person dispensing a prescription only medicine shall make and maintain such records as in the Republic are required under the appropriate Republican Law.

10. - (1) Every retailer shall display at all times, in a conspicuous place, the price of controlled medicinal products or controlled medical supplies offered, displayed or kept for sale, whether in a display window or otherwise, in such manner so as to clearly indicate that he is selling or offering to sell such medicinal products or medical supplies and shall display, in a conspicuous place on the product, the maximum price thereof.

Display of prices and fees of controlled medical supplies and services.

(2) The proprietor, manager or other responsible person of any pharmacy or other establishment where controlled medicinal products or controlled medical supplies are sold shall display in a conspicuous place a notice stating the name of the proprietor of the pharmacy or such other establishment and a list of the controlled medicinal products or controlled medical supplies offered for sale, and the prices thereof.

(3) Every person dispensing prescription only medicines in respect of which there is a maximum fee shall display in a conspicuous place a notice stating such maximum fee in clear figures enabling such fee to be easily ascertained.

11. -(1) Notwithstanding anything in section 11 contained, and subject to the provisions of this section, a retailer shall display, at

Display of price of medical supplies.

all times, on each medicinal product or item of medical supplies offered or displayed for sale, a label clearly showing the price of each such product or item:

Provided that where any such product or item is one of a class of the same kind, quality and price, and all are displayed in the same place, it shall be sufficient if one label showing the selling price is displayed.

(2) The Chief Officer may, by order published in the Gazette, exempt from the application of subsection (1) above any category of medicinal products or medical supplies specified in the Order.

(3) The Chief Officer may, by order published in the Gazette, exempt from the application of subsection (1) above any place specified in such direction.

(4) Any person who fails to comply with subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding one month or to a fine not exceeding twenty five pounds, or to both such imprisonment and fine.

Parties to sale of
controlled medical
supplies.

12. - (1) Save under a written permit of the Chief Officer and subject to such conditions as may be specified therein, controlled medicinal products or controlled medical supplies shall not be sold –

- (a) by an importer to another importer or to a manufacturer;
- (b) by a manufacturer to an importer or to another manufacturer whose business or part thereof is the manufacture of those medicinal products or medical supplies;
- (c) by a wholesaler to an importer or to another wholesaler;
- (d) by a retailer to an importer, manufacturer, wholesaler or retailer, whose business or part thereof is the import, manufacture, wholesale or retail sale, as the case may be, of those medicinal products or medical supplies, except by way of return of such supplies to the person from whom they were obtained in the course of business or the custom of the trade;
- (e) by a consumer to any other person, except where a quantity has been acquired over a period of time for the requirements of the consumer or of the members of his household and are sold for meeting the reasonable requirements of the purchaser or of the members of the purchaser's household; the Chief Officer may, by order published in the Gazette, direct that this provision shall not apply to any particular medicinal product or item of medical supplies or any class of medicinal products or medical supplies.

(2) No person shall purchase a controlled medicinal product or item of medical supplies in circumstances where the transaction involving the sale is prohibited under this section.

Advertisements.

13. - (1) No person shall publish or order or effect the publication of an advertisement of any controlled medicinal product or controlled medical supplies or medicated animal feeding stuffs in such form or manner that would in the Republic contravene the provisions of any appropriate Republican Law.

(2) In any proceedings for a contravention of this section, it shall be a defence that the advertisement to which the proceedings relate was published only to the extent that was reasonably necessary to bring the subject matter of the advertisement to the notice of persons of the following classes or of any one or more of them, that is to say -

- (a) registered medical practitioners, dental surgeons, or veterinary surgeons;
- (b) registered pharmacists;
- (c) registered nurses;

(3) In this section "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 and "advertisement" shall be construed accordingly.

14. The sale of any medicinal products or medical supplies, distributed or imported as free samples is prohibited and any such sample shall be clearly marked or labelled to indicate that it is a free sample.

Prohibition of sale of medical samples.

15. - (1) For the purposes of ensuring that the provisions of this Ordinance and of any regulation, order or direction made thereunder are complied with, the Chief Officer shall appoint such persons as he may consider appropriate, as Medicines Inspectors.

Inspectors.

(2) A Medicines Inspector shall have power at all reasonable times, to enter any premises, other than a dwelling house, carrying on the business of a retailer, wholesaler, importer or manufacturer of a product to which this Ordinance applies or of an animal farm unit, to inspect the said premises and any plant or equipment therein, to monitor any process of manufacture or testing employed in the course of such business, to request any information or to examine such books, records or other documents as may reasonably be required and generally for the purpose of ascertaining whether the provisions of this Ordinance, regulations, orders or directions made thereunder have been or are being complied with.

(2) A Medicines Inspector shall have power to take samples or to seize any item or product in respect of which he reasonably believes that an offence has been committed under this Ordinance or which may reasonably be required as evidence of the commission of any such offence:

Provided that, if no prosecution is brought in respect of any such offence within two months of such seizure, the item or product so seized shall be returned and if such item or product is destroyed or damaged the owner thereof shall be entitled to be paid compensation.

16. - (1) Save as otherwise in this Ordinance provided any person who -

Offences and penalties.

- (a) fails to comply with any of the provisions of this Ordinance or any of the regulations, orders or directions made thereunder or with any requirements or conditions thereby imposed;
- (b) fails to comply with any of the conditions of any licence granted under this Ordinance or to which this Ordinance relates;

- (c) sells or has in his possession for sale controlled medicinal products or controlled medical supplies knowing them to have been sold or supplied in contravention of this Ordinance or of any regulations, orders or directions made thereunder;
- (d) knowingly gives false or incorrect information or conceals, destroys, forges or refuses to produce any book or document that may lawfully be demanded from him under the provisions of this Ordinance;
- (e) wilfully obstructs or prevents any Medicines Inspector appointed under section 15 from exercising any of his functions or duties under this Ordinance;
- (f) sells or has in his possession for sale any controlled medicinal product in relation to which a prohibition order has been issued under section 17(2),

shall be guilty of an offence under this Ordinance and shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding three hundred pounds or to both such imprisonment and fine.

(2) In addition to any other penalty under this Ordinance the Court before which a person is convicted of an offence may order that the medicinal products or medical supplies in relation to which the offence has been committed should be confiscated, destroyed or otherwise disposed of.

(3) Where an offence under this Ordinance has been committed by a body corporate, every person who at the time of the commission of the offence was a professional consultant, director, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and having regard to the nature of his functions in that capacity and to all other circumstances that he took all reasonable steps to prevent the commission of the offence.

(4) In any criminal proceedings under this Ordinance the Court may take judicial notice of any appropriate Republican Law, of any licence issued by an authorised licensing authority of the Republic to which this Ordinance applies or the Republican prescription only list.

- (5) (i) For the purposes of this section the production of a copy of any part of the appropriate Republican Law –
 - (a) contained in any printed collection of laws purported to be printed and published by an authority of the Republic; or
 - (b) contained in any issue of the Gazette of the Republic; or
 - (c) purported to be printed by the Government Printer of the Republic, by whatever name called,

shall be incontrovertible evidence in Court and for all purposes whatever of the due and lawful making of such law;

- (ii) for the purposes of this section, a version of any part of the Republican Law in the English language –

- (a) purported to be produced by any authority of the Republic; or
- (b) certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican Law was published in the Republic; or
- (c) given or produced in the course of the oral evidence of any person whom the Court considers to be a competent translator for the purpose; or
- (d) stated orally in Court or produced in writing by a Registrar or official Court interpreter,

may be held by the Court to be incontrovertible evidence for all purposes whatsoever that such version is the accurate English version of the appropriate Republican Law or part thereof.

(6) For the purposes of this section the production of a copy of the licence or list referred to in subsection (4) above or an English translation thereof, the accuracy of which or of its translation is certified in writing by a senior officer of the responsible Government Department of the Republic or by a recognised competent translator as the case may be, may be held by the Court to be incontrovertible evidence for all purposes of the contents of such document.

17. - (1) The Administrator may make regulations for the purpose of better carrying into effect this Ordinance.

Regulations.

(2) The Chief Officer may in the interests of public health and safety by order published in the Gazette, prohibit the sale, supply or importation of any medicinal product whether or not a licence has been issued in respect of that product under the appropriate Republican Law.

18. 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 and the Narcotic Drugs and Psychotropic Substances Ordinance or any Ordinance amending or substituted for the same.

Saving. 23/64, 10/70, 4/71, 17/89, 13/80 and 7/83.

19. This Ordinance shall not apply to the importation, distribution or use of medicinal products or medical supplies or the provision of medical services, by the Crown or the Republic.

Rights of the Crown and the Republic.

20. Upon the coming into operation of this Ordinance, the provisions of the Commodities and Services (Regulation and Control) Ordinance, shall cease to apply to medicinal products, medical supplies or medical services.

Provisions of the Commodities and Services (Regulation and Control) Ordinance not to apply to medicinal products etc. 11/62, 9/63, 3/67, 10/72, 10/82 and 6/95.

21. Save in respect of anything done thereunder the Sale of Food and Drugs Ordinance is hereby repealed to the extent that it applies to medicinal products or medical supplies.

Repeals and saving Cap. 261 (Laws of Cyprus) and Ordinances 8/67, 12/89 and 7/91.

24th July 2000
(205/2/2)

D.J. BONNER,
Chief Officer.



