



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1188 of 30th November 2000
LEGISLATION

ORDINANCE 21 OF 2000

AN ORDINANCE
TO PROVIDE FOR STRICT LIABILITY
FOR DAMAGE CAUSED BY DEFECTIVE PRODUCTS

T.W. RIMMER
ADMINISTRATOR

20th November 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 Defective Products Liability Ordinance 2000.

Short title.

2.- (1) In this Ordinance, except in so far as the context otherwise requires -

Interpretation.

“agricultural produce” means any produce of the soil, of stock farming or of fisheries;

“producer”, in relation to a product, means -

- (a) the person who manufactured it;
- (b) in the case of a substance which has not been manufactured but has been won or abstracted, the person who won or abstracted it;
- (c) in the case of a product which has not been manufactured, won or abstracted but essential characteristics of which are attributable to an industrial or other process having been carried out (for example, in relation to agricultural produce), the person who carried out that process;

“product” means any goods, gas or electricity and (subject to subsection (2) below) includes a product which is comprised in another product, whether by virtue of being a component part or raw material or otherwise and in the case of gas, includes the special containers in which gas is supplied;

“put into circulation” with its grammatical variations, in relation to any product means that the producer renders the product available for supply to others during the course of his business.

(2) For the purposes of this Ordinance a person who supplies any product in which other products are comprised, whether by virtue of being component parts or raw materials or otherwise, shall not be treated by reason only of his supply of that product as supplying any of the other products so comprised.

Liability for defective products.

3.- (1) Subject to the following provisions of this Ordinance, where any damage is caused wholly or partly by a defect in a product, every person to whom subsection (2) below applies shall be liable for the damage.

(2) This subsection applies to –

- (a) the producer of the product;
- (b) any person who, by putting his name on the product or using a trade mark or other distinguishing mark in relation to the product, has held himself out to be the producer of the product;
- (c) any person who has imported the product, in the course of any business of his, to supply it to another.

(3) Subject as aforesaid, where any damage is caused wholly or partly by a defect in a product, any person who supplied the product (whether to the person who suffered the damage, to the producer of any product in which the product in question is comprised or to any other person) shall be liable for the damage if –

- (a) the person who suffered the damage requests the supplier to identify one or more of the persons (whether still in existence or not) to whom subsection (2) above applies in relation to the product;
- (b) that request is made within a reasonable period after the damage occurs and at a time when it is not reasonably practicable for the person making the request to identify all those persons; and
- (c) the supplier fails, within a reasonable period after receiving the request, either to comply with the request or to identify the person who supplied the product to him.

(4) Where two or more persons are liable by virtue of this Ordinance for the same damage, their liability shall be joint and several.

(5) This section shall be without prejudice to any liability arising otherwise than by virtue of this Ordinance.

Meaning of "defect".

4.- (1) Subject to the following provisions of this section, there is a defect in a product for the purposes of this Ordinance if the safety of the product is not such as persons generally are entitled to expect; and for those purposes "safety", in relation to a product, shall include safety with respect to products comprised in that product and safety in the context of risks of damage to property, as well as in the context of risks of death or personal injury.

(2) In determining for the purposes of subsection (1) above what persons generally are entitled to expect in relation to a product all the circumstances shall be taken into account, including –

- (a) the manner in which, and purposes for which, the product has been marketed, its get-up, the use of any mark in relation to the product and any instructions for, or warnings with respect to, doing or refraining from doing anything with or in relation to the product;
- (b) what might reasonably be expected to be done with or in relation to the product; and
- (c) the time when the product was supplied by its producer to another;

and nothing in this section shall require a defect to be inferred from the fact alone that the safety of a product which is supplied after that time is greater than the safety of the product in question.

5.- (1) In any civil proceedings by virtue of this Ordinance against any person ("the person proceeded against") in respect of a defect in a product it shall be a defence for him to show –

Defences.

- (a) that the defect is attributable to compliance with any requirement imposed by or under any law; or
- (b) that the person proceeded against did not at any time supply the product to another; or
- (c) that the following conditions are satisfied, that is to say –
 - (i) that the only supply of the product to another by the person proceeded against was otherwise than in the course of a business of that person's; and
 - (ii) that section 3(2) above does not apply to that person or applies to him by virtue only of things done otherwise than with a view to profit; or
- (d) that the defect did not exist in the product at the relevant time; or
- (e) that the state of scientific and technical knowledge at the relevant time was not such that a producer of products of the same description as the product in question might be expected to have discovered the defect if it had existed in his products while they were under his control; or
- (f) that the defect –
 - (i) constituted a defect in a product ("the subsequent product") in which the product in question had been comprised; and
 - (ii) was wholly attributable to the design of the subsequent product or to compliance by the producer of the product in question with instructions given by the producer of the subsequent product.

(2) In this section "the relevant time", in relation to electricity, means the time at which it was generated, being a time before it was transmitted or distributed, and in relation to any other product, means –

- (a) if the person proceeded against is a person to whom subsection (2) of section 3 above applies in relation to the product, the time when he supplied the product to another;

- (b) if that subsection does not apply to that person in relation to the product, the time when the product was last supplied by a person to whom that subsection does apply in relation to the product.

Damage giving rise to liability.

6. - (1) Subject to the following provisions of this section, in this Ordinance "damage" means death or personal injury or any loss of or damage to any property (including land).

(2) A person shall not be liable under section 3 above in respect of any defect in a product for the loss of or any damage to the product itself or for the loss of or any damage to the whole or any part of any product which has been supplied with the product in question comprised in it.

(3) A person shall not be liable under section 3 above for any loss of or damage to any property which, at the time it is lost or damaged, is not -

- (a) of a description of property ordinarily intended for private use, occupation or consumption; and
- (b) intended by the person suffering the loss or damage mainly for his own private use, occupation or consumption;

(4) No damages shall be awarded to any person by virtue of this Ordinance in respect of any loss of or damage to any property if the amount which would fall to be so awarded to that person, apart from this subsection and any liability for interest, does not exceed £300.

(5) In determining for the purposes of this Ordinance who has suffered any loss of or damage to property and when any such loss or damage occurred, the loss or damage shall be regarded as having occurred at the earliest time at which a person with an interest in the property had knowledge of the material facts about the loss or damage.

(6) For the purposes of subsection (5) above the material facts about any loss of or damage to any property are such facts about the loss or damage as would lead a reasonable person with an interest in the property to consider the loss or damage sufficiently serious to justify his instituting proceedings for damages against a defendant who did not dispute liability and was able to satisfy a judgement.

(7) For the purposes of subsection (5) above a person's knowledge includes knowledge which he might reasonably have been expected to acquire -

- (a) from facts observable or ascertainable by him; or
- (b) from facts ascertainable by him with the help of appropriate expert advice which it is reasonable for him to seek;

but a person shall not be taken by virtue of this subsection to have knowledge of a fact ascertainable by him only with the help of expert advice unless he has failed to take all reasonable steps to obtain (and, where appropriate, to act on) that advice.

Prohibition on exclusions from liability.

7. The liability of a person by virtue of this Ordinance to a person who has suffered damage caused wholly or partly by a defect in a product, or to a dependant or relative of such a person, shall not be limited or excluded by any contract term, by any notice or by any other provision.

8.- (1) The liability of any person, under this Ordinance, for damage -

Diminution or extinction etc. of liability.

- (a) is not affected, where the damage is caused by a defective product as well as by an act or omission of a third person, without prejudice in any way to that person's rights against the third person;
- (b) may be affected where the damage or part thereof is caused by the contributory negligence of the plaintiff or any other person acting under his directions.

(2) It is hereby declared that liability by virtue of this Ordinance is to be treated as liability in tort for the purposes of any Ordinance conferring jurisdiction on the Court with respect to any matter.

9. The right of any person to bring an action under this Ordinance, shall be barred -

Limitation of actions.

(a) after the lapse of three years from the time such person had, or reasonably could have had, knowledge of the damage, the defect and the identity of the producer of the defective product which caused the damage; and

(b) after the lapse of ten years from the time the defective product, which caused the damage, was put in circulation, except where -

- (i) the producer or, as the case may be, the importer of the product, had given an express warranty that the product may be used for a longer period of time; or
- (ii) the damage was caused within the period of ten years, but could not reasonably be discovered within such period.

10. This Ordinance shall not apply -

Application of Ordinance.

(a) to damage caused by nuclear accident, covered by international conventions, ratified by the United Kingdom or the Republic;

(b) to products put into circulation before the date of commencement of this Ordinance.

20th November 2000

(205/13)

D.J. BONNER,

Chief Officer.

THE SAFETY OF CONSUMER GOODS ORDINANCE 2000
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ORDINANCE 22 OF 2000

**AN ORDINANCE
TO MAKE PROVISION FOR THE SAFETY OF
CONSUMER GOODS AND FOR RELATED MATTERS
OF ENFORCEMENT**

T.W. RIMMER
ADMINISTRATOR

21st November 2000.

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

PART I – GENERAL PROVISIONS

Short title.

1. This Ordinance may be cited as the Safety of Consumer Goods Ordinance 2000.

Interpretation.

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

“authorised officer” means a person authorised by the Chief Officer or the enforcement authority for the purposes of this Ordinance;

“business” includes trade or profession and the activities of a professional or trade association, company or other association of persons;

“enforcement authority” means the Chief Officer or such other person, body or authority as may from time to time be charged by the Chief Officer with the duties assigned to the enforcement authority under this Ordinance;

“consumer” means any person who is or might wish to be supplied with consumer goods for his own private use or consumption;

“consumer goods” means any goods, whether new, used, or refurbished which are ordinarily intended for private use or consumption by consumers and are supplied in the course of a business free of charge or on payment of a price;

“contravention” includes failure to comply and cognate expressions shall be construed accordingly;

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

“information” includes accounts, estimates and returns;

“keeping, use or consumption”, in relation to any goods, means-

- (a) the keeping, use or consumption of goods which may reasonably be expected to be kept, used or consumed by any person by whatever means and under any circumstances; and
- (b) the keeping, use or consumption of goods by themselves or in combination with other goods with which they may reasonably be expected to be kept, used or consumed;

“mark” and “trade mark” have the meaning assigned to them by the Trade Marks Ordinance;

“notice” means a notice in writing;

“person” means any natural or legal person;

“premises” means any place and includes any ship, aircraft or vehicle;

“records” includes any books or documents and any other data stored in photographic, phonographic or electromagnetic apparatus or in electronic computers or in any non-documentary form;

“safe”, in relation to any consumer goods, means that the keeping, use or consumption of such goods by any person shall not expose him or any other person to any risk of bodily harm, including any risk to health, to which persons generally are not reasonably expected to be exposed as a result of such keeping, use or consumption;

“safety provision” means the general safety requirements in section 4 or any provision of safety regulations, a prohibition notice or a suspension notice;

“section”, “subsection”, or “Part” means section, subsection or Part of this Ordinance.

3. - (1) References in this Ordinance to “supplying goods” shall be construed as references to doing any of the following whether as principal or agent that is to say –

- (a) selling, hiring out or lending goods;
- (b) entering into a hire-purchase agreement to furnish the goods;
- (c) the performance of any contract for work and materials to furnish the goods;
- (d) providing the goods in exchange for any consideration (including trading stamps) other than money;
- (e) providing the goods pursuant to or in connection with any obligation imposed by law; or
- (f) giving the goods as a prize or otherwise making a gift of the goods;

and, in relation to gas, those references shall be construed as including the supply of the receptacles, the machinery and accessories by which gas is made available for use.

Cap.278 (Laws of
Cyprus) and
Ordinances 1/63
and 21/91.

Meaning of
“supply”.

(2) Reference in this Ordinance to a person who supplies goods shall be construed as meaning a person who supplies goods in the course of his business.

PART II

GENERAL REQUIREMENT FOR CONSUMER SAFETY AND DUTY TO INFORM CONSUMERS.

4. - (1) A person shall be guilty of an offence if he -

- (a) supplies any consumer goods which fail to comply with the general safety requirement;
- (b) offers or agrees to supply any such goods; or
- (c) exposes or possesses any such goods for the purpose of supply.

(2) For the purposes of this section, consumer goods fail to comply with the general safety requirement, if they are not reasonably safe having regard to all the circumstances, including -

- (a) the manner in which and the purposes for which the goods are being or would be marketed, the materials, composition, design, manufacture, final finish, packaging or labelling, the reasonable use and durability of the goods, the use of any mark in relation to the goods, and any instructions or warnings which are given with respect to the keeping, use or consumption of the goods;
- (b) any standards of safety published by any person, either of goods of a description which applies to the goods in question or for matters relating to goods of that description.

(3) For the purposes of this section, consumer goods shall not be regarded as failing to comply with the general safety requirement in respect of -

- (a) anything which is shown to be attributable to compliance with any requirement imposed by or under any Ordinance or regulations made thereunder;
- (b) any failure to do more in relation to any matter than is required by -
 - (i) any safety regulations imposing requirements with respect to that matter;
 - (ii) any safety standards imposed for the purposes of this subsection by safety regulations;
 - (iii) any provision of any Ordinance or regulations imposing such requirements with respect to that matter as are designated for the purposes of this subsection by any such regulations.

(4) Conformity of any goods with the provisions referred to in subsection (3) above shall not preclude the enforcement authority from taking measures to restrict the supply of such goods or to require their withdrawal from the market if, notwithstanding such conformity, such goods are shown to be unsafe.

5. - (1) If reasonably practicable any producer of consumer goods shall -

Requirement to inform consumers and competent Service.

- (a) provide consumers with all appropriate information to enable them to assess the risks inherent in a product during its normal or reasonably expected use, where such risks are not immediately obvious without such warning, and to take precautions against such risks:

Provided that the presence of such warning shall not discharge the producer from the requirement to comply with the remaining requirements of this Ordinance;

- (b) take measures, appropriate to the characteristics of the goods he supplies, to enable him to be acquainted with the risks which such goods may present and to take appropriate action to prevent such risks including, if necessary, the withdrawal of the particular product from supply.

(2) The measures referred to in paragraph (b) of subsection (1) above may, where appropriate, include -

- (a) the marking of the goods or the consignment of goods in such manner as to enable their identification;
- (b) the carrying out of sample testing of the goods which are being marketed;
- (c) the investigation of complaints made; and
- (d) the briefing of distributors on the above monitoring.

(3) If reasonably practicable, any distributor of a consumer product shall participate in the process of monitoring the safety of the goods which are being supplied by him, in particular transmitting information regarding the risks of the goods and by cooperating in the action taken for the prevention of such risks.

(4) Any producer of consumer goods which have been or are expected to be supplied in the course of any business and any distributor or retailer of any such goods who received any information reasonably leading to the conclusion that such goods -

- (a) fail to comply with any safety regulation or do not fulfil the general safety requirement,
- (b) are in any way defective or which may endanger the health or safety of the consumer,

shall, within two working days, inform the enforcement authority to that effect, unless he has reasonable grounds to believe that the authority has already been informed of such fact.

(5) For the purposes of this section -

- (a) the term "producer" means -
 - (i) the manufacturer of the goods, and includes a person presenting himself as the manufacturer, by inscribing his name, mark or any other distinctive sign on the goods, or the person who refurbishes the goods;
 - (ii) the importer of the goods and the manufacturer's agent, where the manufacturer is not resident in the Areas or the Republic; and

(iii) any other person engaged in business in the distribution of goods whose activities do not affect their safety characteristics:

- (b) the term "distributor" means any person engaged in business in the distribution of goods whose activities do not affect the safety characteristics of the goods.

PART III

SAFETY REGULATIONS.

Safety regulations.

6. - (1) The Administrator may, by regulations under this section ("the safety regulations") make such provisions as he considers appropriate for the purposes of section 4 (3) above and for the purposes of securing -

- (a) that consumer goods are safe;
- (b) that any consumer goods which are unsafe, or would be unsafe in the hands of persons of a particular description, are not made available to persons generally or, as the case may be, to persons of that particular description; and
- (c) that appropriate information is, and inappropriate information is not, provided in relation to any consumer goods.

(2) Without prejudice to the generality of subsection (1) above, safety regulations may contain provision -

- (a) with respect to the composition or content, design, construction, finish or packing of consumer goods, with respect to standards for such goods and with respect to other matters relating to such goods;
- (b) with respect to the giving, refusal, alteration or cancellation of approvals of such goods, of descriptions of such goods or of standards of such goods;
- (c) with respect to the conditions that may be attached to any approval given under the regulations;
- (d) for requiring such fees as may be determined by or under the regulations to be paid on the giving or alteration of any approval under the regulations and on the making of an application for such an approval or alteration;
- (e) with respect to appeals against refusals, alterations and cancellations of approvals given under the regulations, and against the conditions contained in such approvals;
- (f) for requiring consumer goods to be approved under the regulations or to conform to the requirements of the regulations or to descriptions or standards specified in or approved by or under the regulations;
- (g) with respect to the testing or inspection of consumer goods (including provision for determining the standards to be applied in carrying out any test or inspection);
- (h) with respect to the ways of dealing with goods of which some or all do not satisfy a test required by or under the regulations or a standard connected with a procedure so required;

- (i) for requiring a mark, warning or instruction or any other information relating to goods to be put on or to accompany the goods or to be used or provided in some other manner in relation to the goods, and for securing that inappropriate information is not given in relation to goods either by means of misleading marks or otherwise;
- (j) for prohibiting persons from supplying or from offering to supply, agreeing to supply, exposing for supply or possessing for supply consumer goods and component parts and raw materials for such goods;
- (k) for requiring information to be given to any such person as may be determined by or under the regulations for the purpose of enabling that person to exercise any function conferred on him by the regulations.

(3) The power to make safety regulations shall include power –

- (a) to make different provision for different cases; and
- (b) to make such supplemental, consequential or transitional provision as the Administrator considers appropriate.

7. - (1) The Chief Officer may -

- (a) serve on any person a notice (“a prohibition notice”) prohibiting that person, except with the consent of the Chief Officer, from supplying, offering or agreeing to supply, exposing or possessing for supply any consumer goods which the Chief Officer considers are unsafe and which are described in the notice;
- (b) serve on any person a notice (“a notice to warn”) requiring that person to publish at his own expense, in the form and manner and on occasions specified in the notice, a warning about any consumer goods which the Chief Officer considers are unsafe, which that person supplies or has supplied and which are described in the notice.

Prohibition notice
and warning
notice.

(2) A consent given by the Chief Officer for the purposes of a prohibition notice may impose such conditions on the doing of anything for which the consent is required as the Chief Officer considers appropriate.

(3) Any person who has been served with a prohibition notice or notice to warn and objects to such notice may appeal in writing to the Administrator setting out the grounds of his objection; subject to section 8 below, the Administrator, after considering the written submission and any other further submission made in writing or orally which the Administrator may allow, shall confirm, revoke or vary the notice.

8. - (1) If the Administrator or as the case may be, the Chief Officer, considers that for the purpose of deciding whether –

- (a) to make, vary or revoke any safety regulations under section 6; or
- (b) to serve, vary or revoke any prohibition notice under section 7(1)(a); or

Power to obtain
information.

(c) to serve or revoke a notice to warn under section 7(1)(b), he requires information which another person is likely to be able to furnish, he may serve on such other person a relevant notice under this section.

(2) A notice served on any person under this section may require that person -

- (a) to furnish to the Administrator or as the case may be, the Chief Officer, within a period specified in the notice, such information as is so specified;
- (b) to produce such records as are specified in the notice at a time and place so specified and to permit a person appointed by the Chief Officer for the purpose to take copies thereof at that time and place.

PART IV

POWERS OF ENFORCEMENT AUTHORITY

9. - (1) Where an enforcement authority has reasonable grounds for suspecting that any safety provision has been contravened in relation to any consumer goods, it may serve a notice ("a suspension notice") prohibiting the person on whom it is served, for such period ending not more than six months after the date of the notice as is specified therein, from doing any of the following things without the consent of the authority, that it to say, supplying the consumer goods, offering, agreeing or exposing them for supply.

(2) A suspension notice served by an enforcement authority in respect of any consumer goods shall -

- (a) describe the goods in a manner sufficient to identify them; and
- (b) set out the grounds on which the enforcement authority suspects that a safety provision has been contravened in relation to such goods.

(3) A suspension notice served by the enforcement authority for the purpose of prohibiting a person for any period from doing the things referred to in subsection (1) above in relation to any consumer goods, may also require that person to keep the authority informed of the whereabouts throughout that period of any of those goods in which he has an interest.

(4) Where a suspension notice has been served on any person in respect of any consumer goods, no further such notice shall be served on that person in respect of the same goods, unless -

- (a) proceedings against that person for an offence in respect of a contravention in relation to the goods of a safety provision (not being an offence under section 21); or
- (b) proceedings for the forfeiture of the goods under section 10,

are pending at the end of the period specified in the first mentioned notice.

(5) A consent given by the enforcement authority for the purposes of sub-section (1) above may impose such conditions on the doing of anything for which the consent is required as the authority considers appropriate.

(6) Any person having an interest in any goods in respect of which a suspension notice is for the time being in force may apply to the Court for an order setting aside the notice.

(7) On an application under this section, the Court shall make an Order setting aside the suspension notice only if the Court is satisfied that there has been no contravention in relation to the goods of any safety provision.

(8) Where the enforcement authority has reasonable grounds for suspecting that any safety provision has been contravened in relation to any consumer goods, it may cause a statement to be released to the Press giving details of the consumer goods at risk to and of the risks to the safety or health of the consumers involved. Details of the goods may be released, including details of the producer, importer, retailers if they are known to the authority, the nature of the risk the product presents, and any other details concerning the product which the enforcement authority considers necessary in the interest of public health and safety for the purposes of this subsection.

The term "Press" includes newspapers, magazines and radio and television broadcasting corporations;

10. - (1) The enforcement authority may apply to the Court under this section for the forfeiture of any consumer goods on the grounds that there has been a contravention in relation to the goods of a safety provision whether or not proceedings have been brought in the Court for an offence in respect of a contravention in relation to some or all of the goods of any safety provision.

Forfeiture of goods
following court
order.

(2) On the application under this section, the Court shall make an order for the forfeiture of any goods, only if it is satisfied that -

- (a) there has been a contravention in relation to the goods of a safety provision; and
- (b) no reasonable means is available for rendering such goods safe.

(3) For the avoidance of doubt it is declared that a Court may infer for the purposes of this section that there has been a contravention in relation to any goods of a safety provision, if it is satisfied that any such provision has been contravened in relation to goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(4) Any person aggrieved by an order made under this section by the Court for the forfeiture of any goods or by a decision of the Court not to make such an order, may appeal to the Senior Judge's Court and an order so made may contain such provision as appears to the Court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal.

(5) Subject to subsection (6) below, where any goods are forfeited under this section, they shall be destroyed in accordance with such directions as the Court may give.

(6) On making an order under this section the Court may, if it considers it appropriate to do so, direct that the goods to which the order relates shall, (instead of being destroyed), be released to such person as the Court may specify, on condition that that person -

- (a) does not supply those goods to any person, otherwise than as scrap material; and
- (b) complies with any order to pay costs or expenses (including any order under section 28) which has been made against that person in the proceedings for the order for forfeiture.

Purchases for testing.

11. - (1) An enforcement authority shall have power, for the purpose of ascertaining whether any safety provision has been contravened in relation to any consumer goods, to make or to authorise an officer of the authority to make any purchase of any consumer goods.

(2) Where -

- (a) any consumer goods purchased under this section by or on behalf of the enforcement authority, are submitted to a test; and
- (b) the test leads to -
 - (i) the bringing of proceedings for an offence in respect of a contravention in relation to the goods of any safety provision or for the forfeiture of the goods under section 10; or
 - (ii) the serving of a suspension notice in respect of any goods under section 9,
- (c) the authority is requested to do so and it is practicable for the authority to comply with the request,

the authority shall allow the person from whom the goods were purchased, or any person who is a party to the proceedings or to the proceedings for forfeiture or who has an interest in any goods to which the suspension notice relates, to have the goods tested.

Power of search and seizure of goods.

12. - (1) Subject to the following provisions of this section, a duly authorised officer of the enforcement authority may, at any reasonable hour and on production, if required, of his credentials, exercise any of the powers conferred upon him by the following provisions of this section.

(2) The authorised officer may, for the purpose of ascertaining whether there has been any contravention of any safety provision, inspect any goods and enter any premises other than premises occupied only as a person's residence.

(3) The authorised officer may, for the purpose of ascertaining whether there has been any contravention of any safety provision, examine any procedure (including any arrangements for carrying out a test) connected with the production of any goods.

(4) If the authorised officer has reasonable grounds for suspecting that there has been a contravention of any safety provision in respect of any goods, he may -

- (a) for the purpose of ascertaining whether there has been any contravention of any safety provision in relation to the goods, require any person carrying on a business or employed in connection with a business, to produce any records relating to the business;
- (b) for the purpose of ascertaining (by testing or otherwise) whether there has been any such contravention, seize and detain the goods;

(c) take copies of, or of any entry in, any records produced by virtue of paragraph (a) above.

(5) The authorised officer may seize and detain -

(a) any goods or records which he has reasonable grounds for believing may be required as evidence in proceedings for an offence in respect of a contravention of any safety provision;

(b) any goods which he has reasonable grounds for suspecting may be liable to be forfeited under section 10.

(6) If and to the extent that it is reasonably necessary to do so to prevent a contravention of any safety provision the authorised officer may, for the purpose of exercising his power under subsection (4) or (5) above seize any goods or records -

(a) require any person, having authority to do so, to open any container or any vending machine; and

(b) himself open or break open any such container or machine, where a requirement made under paragraph (a) above in relation to the container or machine has not been complied with.

(6) An authorised officer seizing any goods or records under this section shall inform the following persons that the goods or records have been seized, that is to say -

(a) the person from whom they are seized; and

(b) in the case of imported goods seized on any premises under the control of the Fiscal Officer the importer of these goods.

13. - (1) Subject to the provisions of the Criminal Procedure Ordinance with respect to the issue and execution of search warrants, if the Court -

(a) is satisfied by written information on oath that there is reasonable ground to believe -

(i) that any goods or records, which any authorised officer has power to inspect under section 12 above, are on any premises and that their inspection is likely to disclose evidence that there has been a contravention of any safety provision; or

(ii) that such contravention has taken place, is taking place or is about to take place on any premises; and

(b) is also satisfied by any such information either -

(i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this subsection has been given to the occupier; or

(ii) that an application for admission or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

Warrant to enter and search premises. Cap.155 (Laws of Cyprus) and Ordinances 4/60, 19/63, 1/66, 2/72, 2/73, 10/75, 4/78, 11/79, 22/87, 4/92, 8/96, 1/97 and 27/99.

the Court may by warrant, which shall continue in force for a period of one month, authorise any officer of the enforcement authority to enter the premises if need be by force.

(2) An authorised officer entering any premises by virtue of the provisions of section 12(2) or on the authority of a warrant issued under subsection (1) above, may take with him such other persons and such equipment as may appear to him necessary.

(3) On leaving any premises which a person is authorised to enter by a warrant under subsection (1) above, that person shall, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.

Testing of seized goods.

14. Where any goods which have been seized under section 12(4)(b) above are submitted to a test, the authorised officer shall inform the persons mentioned in section 12(7) above of the results of the test and, if –

- (a) proceedings are brought for an offence in respect of a contravention in relation to the goods of any safety provision or proceedings for the forfeiture of the goods under section 10 above are commenced or a suspension notice is served in respect of any goods under section 9; and
- (b) the authorised officer is requested to do so and it is practicable for him to comply with the request,

the authorised officer shall allow any person who is a party to the proceedings or, as the case may be, has an interest in the goods to which the notice relates, to have the goods tested.

Appeals against detention of goods.

15. - (1) Any person having an interest in any goods detained under any provision of this Ordinance by the enforcement authority or by an authorised officer may apply to the Court for an order requiring the goods to be released to him or to another person.

(2) On an application under this section, an order requiring the goods to be released shall be made, only if the court is satisfied –

- (a) that criminal proceedings for an offence in respect of a contravention in relation to the goods of any safety provision or proceedings for the forfeiture of the goods under section 10 above have not been brought or, having been brought, have been concluded without the goods being forfeited; and
- (b) where no such proceedings have been brought, that more than six months have elapsed since the goods were seized.

PART V

DETENTION OF PRODUCTS AND DISCLOSURE OF INFORMATION BY CUSTOMS AUTHORITIES

Power of customs officers to detain goods.

16. - (1) A customs officer may, for the purpose of facilitating the exercise by the enforcement authority or authorised officer thereof of any functions conferred on the authority or authorised officer by or under this Ordinance for the purposes of the safety provisions, seize any imported goods and detain them for not more than three working days.

(2) Anything seized and detained under this section shall be dealt with during the period of its detention in such manner as the Fiscal Officer may direct.

(3) In subsection (1) above the reference to three working days is a reference to a period of seventy two hours, calculated from the time the goods are seized, but disregarding so much of any period as falls on a Saturday, Sunday or public holidays.

(4) In this section "customs officer" means an officer as defined in section 2 of the Customs and Excise Ordinance 1969.

17. - (1) If he thinks it appropriate to do so, for the purpose of facilitating the exercise by the enforcement authority or any authorised officer thereof of any functions conferred upon them by this Ordinance for the purposes of the safety provisions, the Fiscal Officer may authorise the disclosure to the authority or such officer of any information obtained by the Fiscal Officer for the purposes of exercising his functions in relation to imported goods.

Power of Fiscal Officer to disclose information.

(2) The disclosure of information made under subsection (1) above shall be made in such manner as may be directed by the Fiscal Officer and may be made through such persons as may be so directed.

(3) Information may be disclosed under subsection (1) above, whether or not the disclosure of the information has been requested.

PART VI

OFFENCES, PENALTIES AND DEFENCES

18.- (1) Any person who is guilty of an offence under section 4 (1) above, shall be liable to imprisonment not exceeding two years or to a fine not exceeding five thousand pounds or to both such penalties.

Penalty for contravention of the general safety requirements.

(2) In any proceedings against any person for an offence under the said section 4 (1) it shall be a defence for him to show -

- (a) that in the case of used or second-hand consumer goods, he supplied or offered or agreed to supply them or, as the case may be, possessed or exposed them for supply as antiques or as goods which require repair or refurbishing prior to their use and that the consumer had been or as the case may be, would be informed of this at the time of supply of such goods.
- (b) that in the case of any consumer goods the following conditions are satisfied, that is to say -
 - (i) that he supplied the goods or offered or agreed to supply them or, as the case may be, exposed or possessed them for supply in the course of a business; and
 - (ii) that at the time he supplied the goods or offered or agreed to supply them or exposed or possessed them for supply, he neither knew nor had reasonable grounds for believing that the goods failed to comply with the general safety requirement.

(3) For the purposes of subsection 2(b) above, goods are supplied in the course of a retail business if -

- (a) whether or not they are themselves acquired for a person's private use or consumption, they are supplied in the course of carrying on a business of making a supply of consumer goods available to persons who generally acquire them for private use or consumption; and
- (b) such goods have not been manufactured, refurbished, processed, assembled or imported by the person who carries on that business.

Offences for failure to inform.

19. A person who contravenes subsections (1), (3) or (4) of section 5 above shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding two years or to a fine not exceeding five thousand pounds or to both such penalties.

Contravention of safety regulations.

20. - (1) Where safety regulations prohibit a person from supplying, offering or agreeing to supply any goods or from exposing or possessing any goods for the purpose of supply, that person shall be guilty of an offence if he contravenes the prohibition.

(2) Where safety regulations require a person who makes or processes any goods in the course of carrying on a business -

- (a) to carry out a particular test or use a particular procedure in connection with the making or processing of the goods with a view to ascertaining whether the goods satisfy any requirements of such regulations; or
- (b) to deal or not to deal in a particular way with a quantity of goods of which the whole or part does not satisfy such a test or does not satisfy standards connected with such a procedure,

that person shall be guilty of an offence, if he does not comply with the requirement.

(3) If a person contravenes a provision of the safety regulations which prohibits or requires the provision, by means of a mark or otherwise, of information of a particular kind in relation to goods, he shall be guilty of an offence.

(4) Where safety regulations require any person to give information to another for the purpose of enabling that other to exercise any function, that person shall be guilty of an offence -

- (a) if he fails, without reasonable cause, to comply with the requirement; or
- (b) if, in giving the information which is required of him -
 - (i) he makes any statement which he knows is false in a material particular; or
 - (ii) he recklessly makes any statement which is false in a material particular.

(5) A person guilty of an offence under this section shall be liable to imprisonment not exceeding two years or to a fine not exceeding five thousand pounds or to both such penalties.

Contravention of prohibition notice.

21. Any person who contravenes a prohibition notice or a notice to warn served under section 7 above shall be guilty of an offence and liable to imprisonment not exceeding two years or to a fine not exceeding five thousand pounds or to both such penalties.

22. Any person who contravenes a suspension notice served under section 9 above shall be guilty of an offence and liable to imprisonment not exceeding two years or to a fine not exceeding five thousand pounds or to both such penalties.

Contravention of suspension notice.

23. - (1) A person shall be guilty of an offence if he –

- (a) fails, without reasonable cause, to comply with a notice served on him under section 8 above; or
- (b) in purporting to comply with a requirement which by virtue of paragraph (a) of subsection (2) of section 8 is contained in such notice –
 - (i) he furnishes information which he knows to be false in a material particular; or
 - (ii) he recklessly furnishes information which is false in a material particular.

Failure to furnish information and furnishing false information.

(2) A person guilty of an offence under subsection (1) above shall be liable to a fine not exceeding one thousand pounds.

24. - (1) Any person who –

- (a) intentionally obstructs an authorised officer or any customs officer who is acting in pursuance of any provision of this Ordinance; or
- (b) intentionally fails to comply with any requirement made of him by any authorised officer under any provision of this Ordinance; or
- (c) without reasonable cause fails to give to an authorised officer who is so acting any other assistance or information which the officer may reasonably require of him for the purpose of the exercise of the officer's functions under this Ordinance,

Obstructing authorised officer.

shall be guilty of an offence and liable to a fine not exceeding one thousand pounds.

(2) A person shall be guilty of an offence if, in giving any information which is required of him by virtue of subsection (1)(c) above –

- (a) he makes any statement which he knows is false in a material particular; or
- (b) he recklessly makes a statement which is false in a material particular.

(3) A person guilty of an offence under subsection (2) above shall be liable to a fine not exceeding one thousand pounds.

25. - (1) Subject to the following provisions of this section, a person shall be guilty of an offence, if he discloses or causes or suffers the disclosure of any information –

Restrictions on disclosure of information.

- (a) which was obtained by him in consequence of its being given to any person in compliance with any requirement imposed by safety regulations or any other provision of this Ordinance; or
- (b) which consists of a secret manufacturing process or a trade secret and was obtained by him in the course of discharging his duties under this Ordinance.

(2) Subsection (1) above shall not apply to a disclosure of information if the information is publicised information or the disclosure is made -

- (a) for the purpose of facilitating the exercise of the functions by the Administrator, the Chief Officer or the enforcement authority under this Ordinance or the exercise of functions under the Trade Descriptions Ordinance or the Standards and Control of Quality Ordinance by persons or bodies authorised thereunder;
- (b) in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings.

(3) The reference to "the functions by the Administrator" in paragraph (a) of subsection (2) above shall include a reference to any function of making, amending or revoking any regulations.

(4) A person guilty of an offence under this section shall be liable to imprisonment not exceeding six months or to a fine not exceeding one thousand pounds or to both such penalties.

(5) In this section "publicised information" means any information which has been disclosed in any civil or criminal proceedings or is or has been required to be contained in a notice to warn under section 7(1)(b).

26. - (1) Where the commission by any person of an offence under this Ordinance is due to an act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this subsection, whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under this Ordinance (including where it is so guilty by virtue of subsection (1) above) in respect of any act or default which is shown 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, such person as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, subsection (2) above shall apply in relation to the acts and defaults of a member in connection with his management functions as if he were a director of the body corporate.

27. - (1) Subject to the following provisions of this section, in proceedings against any person for an offence to which this section applies, it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any criminal proceedings against any person for such an offence the defence provided by subsection (1) above involves an allegation that the commission of the offence was due -

- (a) to the act or default of another; or
- (b) to reliance on information given by another,

Ordinance 2/88.

Ordinance 4/84.

Criminal liability of person other than principal offender.

Defence of due diligence.

that person shall not, without the leave of the Court, be entitled to rely on the defence, unless not less than seven days before the hearing of the proceedings, he has served a notice under subsection (3) below on the person bringing the proceedings.

(3) A notice under this subsection shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(4) A person shall not be entitled to rely on the defence provided by subsection (1) above by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular -

(a) to the steps which he took, and those which might reasonably have been taken for the purpose of verifying the information; and

(b) to whether he had any reason to disbelieve the information.

(5) The provisions of this section shall apply to offences under sections 4, 20(1), (2), (3), 21 and 22.

PART VII

RECOVERY OF COSTS AND COMPENSATION.

28. - (1) This section shall apply where a court convicts a person of an offence in respect of a contravention in relation to any consumer goods of any safety provision or makes an order under section 10 above for the forfeiture of any goods.

Recovery of expenses for enforcement.

(2) The Court may, (in addition to any other order it may make as to costs or expenses), order the person convicted or, as the case may be, any person having an interest in the goods, to reimburse the enforcement authority for any expenditure which has been or may be incurred by that authority -

(a) in connection with any seizure or detention of the goods by or on behalf of the authority; or

(b) in connection with any compliance by the authority with any directions given by the court for the purposes of any order for the forfeiture of the goods.

29. Where an authorised officer of the enforcement authority exercises any power under section 12 above to seize and detain goods, the authority shall be liable to pay compensation to any person having an interest in the goods in respect of any loss or damage caused by reason of the exercise of such power, if -

Compensation for wrongful seizure and detention.

(a) there has been no contravention in relation to the goods of any safety provision; and

(b) the exercise of the power is not attributable to any neglect or default by that person.

PART VIII

MISCELLANEOUS PROVISIONS

30. - (1) Any obligation imposed by safety regulations shall be a duty owed to any person who may be affected by a contravention

Civil liability.

of the obligation and subject to any provision to the contrary in the regulations and to the defences and other incidents applying to actions for breach of statutory duty, a contravention of any such obligation shall be actionable accordingly.

(2) Liability by virtue of subsection (1) above shall not be limited or excluded by any contract term, by any notice or (subject to the power contained in subsection (1) above to limit or exclude it in safety regulations) by any other provision.

(3) Subject to any provision to the contrary in the agreement itself, an agreement shall not be void or unenforceable by reason only of a contravention of a safety provision.

31. - (1) Any document required or authorised to be served on a person under this Ordinance may be so served -

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
- (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or manager or any director of that body; or
- (c) if the person is a partnership by serving it in accordance with that paragraph on a partner or on the person having the control or management of the partnership business.

(2) For the purposes of subsection (1) above, the proper address of any person on whom a document may be served under this Ordinance shall be his last known address, except that -

- (a) in the case of service on a body corporate or its secretary or manager or director, the proper address shall be the address of the registered or principal office address of the body corporate;
- (b) in the case of service on a partnership or a partner or a person having the control or management of the partnership business, the proper address shall be the principal office of the partnership.

and for the purposes of this subsection the principal office of a body corporate registered outside the Island of Cyprus or of a partnership carrying on business outside the Island of Cyprus such address shall be the principal office within the Republic or the Areas.

32. The Administrator may make regulations generally for the purpose of putting this Ordinance into effect including such supplemental, consequential or transitional provisions as he considers appropriate and may make different provisions for different cases or classes of cases.

21st November 2000
(173/16A)

D.J. BONNER,
Chief Officer.

Validity of
agreements
preserved.

Service of
documents etc.

Regulations.



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1189 of 12th December 2000
LEGISLATION

ORDINANCE 23 OF 2000

AN ORDINANCE
TO AMEND THE PLACES OF ENTERTAINMENT
ORDINANCE

T.W. RIMMER
ADMINISTRATOR

4th December 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 Places of Entertainment (Amendment) Ordinance 2000 and shall be read as one with the Places of Entertainment Ordinance (hereinafter referred to as the principal Ordinance”).

Short title.

Ordinance 2/99.

2. Section 11 of the principal Ordinance is hereby repealed and replaced by the following new section:

“Surcharge.

11. - (1) The Administrator may by Order in the Gazette fix a surcharge not exceeding three percent (3%) of every customer’s bill in respect of services provided in the place of entertainment excluding taxes and service charges (hereinafter in this Ordinance referred to as “the surcharge”):

Section 11 of the principal Ordinance repealed and replaced.

Provided that the Administrator may by Order in the Gazette exempt the whole or part of the surcharge in respect of any places of entertainment of such categories or grades, or places of entertainment located in such areas, as may be prescribed.

(2) (a) With effect from the date of classification of the place of entertainment the surcharge shall be a charge on the customer and shall subject of the provisions of subsection (4) below, be collected by the licensee and remitted to the Chief Officer every three months not later than the 25th day of the month following the expiry of the relevant period in which the charge was or ought to have been made.

- (b) "Relevant period" means the period between 1 January and 31 March; 1 April and 30 June; 1 July and 30 September; and 1 October and 31 December of any year.
- (c) where a place of entertainment is classified during the course of a relevant period, payment of the first surcharge due under paragraph (a) above and submission of the first form required by subsection (7) below, shall be made not later than the 25th day of the month following the expiry of that relevant period.
- (d) where the operation of a place of entertainment which has previously been suspended, recommences during the course of a relevant period then payment of the surcharge concerned, and submission of the form required shall be made as provided in paragraph (c) above.

(3) Subject to the provisions of subsection (4) below, if the licensee fails to charge and collect the surcharge from the customer, he shall be liable to pay the value of such surcharge to the Chief Officer.

(4) Notwithstanding the provisions of subsections (2) and (3) above where any customers are provided with services on account to be settled, under prior arrangement by an hotel, tour operator or other tourist organisation and that organisation is dissolved or becomes bankrupt before the said account has been settled or where any customer avoids settlement of any account by fraudulent means -

- (a) the licensee shall not be liable to pay to the Chief Officer the surcharge involved;
- (b) where however the licensee has collected part of the amount due to him on account from a receiver or otherwise the licensee shall pay to the Chief Officer an amount of surcharge calculated on a pro-rata basis in relation to the total amount so collected.

(5) Any customer who refuses to pay a surcharge lawfully charged under this section shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding three months or to a fine not exceeding two hundred pounds or to both such penalties.

(6) Every licensee shall make and maintain records showing the collections and charges at the place of entertainment which records shall be produced for audit by the Chief Officer or an officer authorised for that purpose by him.

(7) Along with such sums as he is required to remit to the Chief Officer under subsection (2) above, every licensee shall submit an accurate and complete written record of his collections and charges for the period concerned which shall be included on a form provided by the Chief Officer for this purpose:

Provided that the Chief Officer, by order, may direct that payment of any amount required to be paid under subsection (2) above and submission of any records required to be submitted under this section may be made through the medium of such banking organisation as he may prescribe.

(8) (a) Any licensee who fails to make payment of such amount as he may lawfully be required to pay within the time specified in subsection (2) above, shall pay an additional charge of ten percent of such amount, and where such failure continues for a period in excess of thirty days, he shall be liable to pay simple interest at the rate of nine percent on the whole amount due as from that date.

(b) Any licensee who fails within the prescribed period to submit the records required by subsection (7) above, shall pay the sum of fifteen pounds for every month or part thereof during which such failure continues.

(9) Without prejudice to the provisions of subsections (8) and (11) of this section, any licensee who -

(a) Fails to comply with the provisions of subsections (2), (3), (4), (6), (7) and (8) above, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both such penalties.

(b) (i) with intent to deceive the Chief Officer, uses or delivers or sends for the purposes of this section or in any other way uses for such purposes any document or particular which is false, or

(ii) in giving any information for the purposes of this section makes any statement knowing it to be false in a material particular or negligently makes a statement which is false in a material particular,

shall be guilty of an offence and on conviction he shall be liable to imprisonment not exceeding three years or to a fine not exceeding two thousand pounds or to both such penalties,

(c) fraudulently evades or attempts so to do either on his own or another's behalf, any amount due under this section, shall be guilty of an offence and, on conviction, he shall be liable to imprisonment not exceeding five years or to a fine not exceeding three times the amount which he should have paid or to both such penalties.

(10) In addition to any other penalty provided in this section, the Court before whom any licensee is convicted of an offence contrary to subsections (2), (3), (4), (6) and (7) of this section, may order the payment by him of the amount due together with any additional charges and interest as provided in subsection (8) above and the submission by him of the records required by subsection (7) above.

(11) Any person who fails to comply with an order made under subsection (10) of this section, shall be guilty of an offence and on conviction he shall be liable to imprisonment not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such penalties.

(12) (a) Notwithstanding the provisions of subsections (8), (9), (10) and (11) of this section, where a licensee fails to comply with the provisions of subsections (2), (3), (4), (6), (7) and (8) above, the Chief Officer or any officer authorised by him for the purposes of this subsection may assess the amount due together with any additional charges and interest thereon and lawfully demand payment thereof from the licensee.

(b) Any licensee who fails to pay any amount so assessed, shall be deemed to be guilty of an offence under this section and shall be liable to be prosecuted and punished accordingly.

(13) Notwithstanding the provisions of this section, the Chief Officer may by civil proceedings claim from the licensee or any other person involved any amount or additional charges or interest due to the Chief Officer.

(14) For the purposes of this section "licensee" includes the "manager" of the place of entertainment.

3. Section 23 of the principal Ordinance is repealed and replaced by the following new section:

"23. -(1) This Ordinance shall not apply to any place of entertainment owned or operated by the Crown in any capacity or by any authorised service organisation or any sutler or to any other such premises situated on immovable property owned or occupied by the Crown in right of Her Majesty's Government in the United Kingdom.

(2) For the purposes of this section the terms “authorised service organisation”, and “sutler” shall have the meaning assigned to them in Part I of Annex ‘B’ to the Treaty of Establishment.”.

4th December 2000
(173/18)

D.J. BONNER,
Chief Officer.

ORDINANCE 24 OF 2000

**AN ORDINANCE TO PROVIDE FOR THE PRODUCTION,
TRADING AND CONTROL OF PLANT PROPAGATING
MATERIAL IN THE AREAS**

T.W. RIMMER
ADMINISTRATOR

5th December 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 Propagating Material Ordinance 2000.

2. In this Ordinance unless the context otherwise requires -

“appropriate Republican law” means the Production, Trading and Control of Plant Propagating Material Law of the Republic;

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

“certificate” means a certificate issued by the Board in which the phytosanitary condition of propagating material is certified;

“Inspector” means an officer appointed by the Board to exercise the duties referred to in section 9;

“nursery” means a place used for growing propagating material and includes nursery units, green-houses, mist green-houses, rooting chambers, laboratories where plants are produced by tissue culture and any other places established for plant propagating purposes;

“plant disease” means any anomaly or destruction of a plant or part thereof, which is due to animal or plant parasites, viruses or any other causes, which may be communicated from one plant to another or part thereof;

“producer” means any person who occupies and operates a nursery or any other unit where propagating material is produced for the purposes of trading;

Short title.

Interpretation.

Rep. Law No.60 of
1991.

“propagating material” means any of the substances referred to in section 5 of this Ordinance;

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

3. The Board shall be recognised in the Areas for the purposes of this Ordinance and notwithstanding the provisions contained in this Ordinance (which empowers the Board to exercise certain functions in the Areas) any acts or things done by the Board shall be of lawful effect in the Areas which would be lawful if effected in the Republic under the provisions of the appropriate Republican Law;

Recognition of
Republican Board
in the Areas.

4. - (1) Subject to subsection (2) below the establishment, creation or operation of any nursery for the purpose of producing and supplying propagating material shall be prohibited unless -

Registration and
licence to operate
a nursery.

- (a) such nursery is registered in the register and maintained by the Board for this purpose (hereinafter referred to as the “Register of Nurseries”); and
- (b) a licence to operate such nursery has been granted by the Board.

(2) Notwithstanding the provisions of subsection (1) above the proprietor of any nursery which was in operation on the date of commencement of this Ordinance may continue to operate the nursery provided he applies for the registration of his nursery in the Register of Nurseries and for a licence to operate such nursery, within three months of such date and may continue to so operate the nursery pending the determination by the Board of his application.

(3) A licence shall be renewable every three years; the Board may however refuse to renew the licence or revoke it before its expiry, if it considers that the provisions of this Ordinance or the conditions or specifications prescribed in regulations made under the Ordinance are not complied with.

(4) Any determination of the Board issued under this section may be varied by the Chief Officer upon application made to him for this purpose by the proprietor of a nursery.

5. - (1) Plant propagating material shall be -

Propagating
material.

- (a) seeds; or
 - (b) tubers, bulbs, and rootings; or
 - (c) seedlings, grafted saplings, cuttings whether grafted or not.
- (2) The above propagating material shall consist of -
- (a) tissue culture material in sterilised conditions (phials, discs or other means); or
 - (b) material originating from tissue culture; or
 - (c) basic propagating material; or
 - (d) certified propagating material.

Details and further descriptions of each of the above categories shall be as prescribed.

Checking and certifying of propagating material.

6. - (1) The Board shall ensure that regular inspections of propagating material are carried out during all stages of production and thereupon grant a relevant certificate.

(2) The removal of any propagating material from the place of production shall be prohibited, unless such propagating material has previously been inspected in accordance with subsection (1) above.

(3) Notwithstanding the provisions of subsection (1) above, the inspection of propagating material may also be carried out, for the purposes of this Ordinance, at the following places -

- (a) in testing laboratories;
- (b) in places where sorting and packing of such material takes place;
- (c) in storing and conservation establishments;
- (d) during transportation; and
- (e) at the places where the material is offered for sale.

(4) The species of propagating material which shall be subject to inspection and certification in accordance with subsection (1) above may be specified by order of the Chief Officer published in the Gazette.

Trading of propagating material.
Cap.90 (Laws of Cyprus).

7. - (1) Subject to the provisions of the Seeds Ordinance, trading in propagating material shall be prohibited, unless such material fulfils the conditions provided in this Ordinance regarding its production and movement.

(2) Any person who, prior to the date of commencement of this Ordinance, was engaged in the trading of propagating material and who wishes to continue in such trading and any person who wishes to be so engaged after such date, shall obtain a licence to this effect from the Board upon application.

Powers of the Board.

8. For the purpose of restricting and eliminating plant diseases, the Board shall have the following powers -

- (a) to prohibit the transportation or packing of propagating material;
- (b) to order the destruction of propagating material which is infected by any plant disease, at the expense of the grower or the seller or to instruct any Inspectors to destroy such material themselves at the expense of the grower or the seller;
- (c) to prohibit the sale or display for sale or the purchase of propagating material which is infected by any plant disease;
- (d) to seize any propagating material and its packing due to any serious contravention of the provisions of this Ordinance or regulations made thereunder; and
- (e) to prohibit or restrict the production of such material.

Special provisions for inspection of potato seed.
Ordinance 2/65.

9. - (1) The Board may appoint Inspectors for the purpose of inspecting propagating material and ascertaining the presence of any plant disease, who shall have power -

- (a) to enter freely any nurseries, stores or other establishments where propagating material may be found and carry out appropriate inspections or to take samples of such material in the presence of the producer; and
- (b) to carry out inspections of vehicles or any other means of conveyance where propagating material may be found or to take samples thereof in the presence of the person concerned.

10. - (1) Notwithstanding the provisions of the Potato Marketing Ordinance 1965 Inspectors may carry out inspections for the purpose of verifying plant diseases at any stage of production or trading and may issue for this purpose an appropriate certificate of their findings.

Powers of the Inspectors.

(2) For the better application of this section, the Administrator may make regulations providing for the cultivation procedure and inspection of the potato seed and the issue of the relevant certificate.

11. - (1) Any person who -

- (a) sells or displays for sale any propagating material, knowing that such material is affected or infected by a plant disease;
- (b) contravenes or fails to comply with any provision of this Ordinance or regulations made thereunder; or
- (c) obstructs any Inspector or any person acting on behalf of the Board to exercise his duties;

Offences and penalties.

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding three months or to a fine not exceeding five hundred pounds or to both such penalties.

(2) In any criminal proceedings under this Ordinance the Court may take judicial notice of any appropriate Republican Law, of any licence issued by the Board or any registration of any nursery to which this Ordinance applies.

(3)(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 appropriate 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.

(4) For the purposes of this section the production of a copy of a licence or registration referred to in subsection (2) 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.

Regulations.

12. - (1) The Administrator may make regulations for the better application of the provisions of this Ordinance and for prescribing any matter which under this Ordinance requires to be prescribed.

(2) Without prejudice to the generality of subsection (1) above, such regulations may provide for -

- (a) the manner and inspection procedure for certifying and marking of propagating material;
- (b) the standards of quality in relation to the various species and varieties of propagating material;
- (c) the form, content and procedures for making an application to register a nursery and the form of the licence to operate a nursery;
- (d) the form and procedure for applying for inspection and certification of propagating material and the form of the relevant certificate;
- (e) the sources of obtaining the propagating material used and the processes for cultivating such material;
- (f) the technical specifications required for the creation and operation of a nursery;
- (g) the duty of the producers of propagating material to maintain a register of production; and
- (h) the fees payable for a licence to operate a nursery and its registration, for certifying propagating material and for granting a licence allowing the selling of propagating material.

(3) Any regulations made under this Ordinance may make different provisions for different cases or classes of cases and may contain such incidental, transitional and supplementary provisions as appear to the Administrator to be necessary or expedient for the purpose of this Ordinance or the regulations.

5th December 2000
(195/2/1)

D.J. BONNER,
Chief Officer.

ORDINANCE 25 OF 2000

**AN ORDINANCE
TO AMEND THE FOOD (SALE AND CONTROL)
ORDINANCE 2000**

**T.W. RIMMER
ADMINISTRATOR**

6th December 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) (Amendment) Ordinance 2000 and shall be read as one with the Food (Sale and Control) Ordinance 2000 (hereinafter referred to as “the principal Ordinance”).

Short title.

Ordinance 5/2000.

2. Section 20 of the principal Ordinance is hereby amended by inserting in paragraph (b) thereof, immediately after the word “premises” the words “or the stoppage of any means of food transportation” and by changing the full-stop at the end of paragraph (b) to a semi-colon and by adding thereafter the following –

Section 20 of the principal Ordinance amended.

“(c) the disqualification of the person so found guilty from being engaged in the production, processing or transportation of food or any class of food, and such other penalty as may be prescribed.”

3. Section 25 of the principal Ordinance is hereby amended as follows:-

Section 25 of the principal Ordinance amended.

(a) by adding in paragraph (i) in line one thereof immediately before the word “for” the words “for amending, for the purposes of the regulations, any provision of this Ordinance with regard to the marking of food and”.

(b) by adding immediately after sub-paragraph (vii) of paragraph (k) the following sub-paragraphs –

“(viii) the registration or licensing and inspection of vehicles used for the transportation of articles of food;

(ix) fees to be paid in respect of the issue, renewal or restoration after suspension of any registration or licensing provided for by regulations;

(c) by adding to the end of the section the following –

“Any regulations made under this Ordinance may make different provisions for different cases or classes of cases and may contain such incidental and supplementary provisions as appear to the Administrator to be necessary or expedient for the purposes of this Ordinance or the regulations.”.

6th December 2000
(205/2/2)

D.J. BONNER,
Chief Officer.

ORDINANCE 26 OF 2000

**AN ORDINANCE
TO AMEND THE PETROLEUM ORDINANCE**

T.W. RIMMER
ADMINISTRATOR

6th December 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 Petroleum (Amendment) Ordinance 2000 and shall be read as one with the Petroleum Ordinance 1976 (hereinafter referred to as the principal "Ordinance").

Short title.
Ordinance 1/76.

2. Section 2 of the principal Ordinance is hereby amended as follows:-

Section 2 of the
principal
Ordinance
amended.

(a) by inserting after the word "substance" where it first appears in the definition of "petroleum" the words "including liquified petroleum gas"; and

(b) by inserting before the definition of "petroleum" the following new definition –

“ “liquified petroleum gas” or “liquid gas” means an inflammable substance composed largely of one of the hydrocarbons propane, propylene, butane (normal or isobutane) or butylene or of a combination of any of such hydrocarbons;” ”.

3. Subsection (1) of section 9 of the principal Ordinance is hereby amended as follows:

Section 9 of the
principal
Ordinance
amended.

(a) by deleting the word "standard" in paragraph (a) and substituting therefor the word "specification";

(b) by deleting paragraph (b) and substituting therefor the following new paragraph:

“(b) determining the specifications of petroleum of certain types or descriptions and enabling the Chief Officer by notice in the Gazette to amend such specifications in whole or in part;”;

(c) by inserting immediately after paragraph (b) the following new paragraph:

“(bb) the adding to petroleum of substances to provide smell or colouring to petroleum or for other purposes;”;

(d) by inserting immediately after paragraph (d) the following new paragraph:

“(dd) exempting from the requirements of section 5 of this Ordinance receptacles of certain specified types or description or which contain certain specified petroleum.”

6th December 2000
(105/9)

D.J. BONNER,
Chief Officer.

ORDINANCE 27 OF 2000

**AN ORDINANCE
TO AMEND THE PREVENTION OF FIRES IN OPEN
COUNTRY ORDINANCE**

T.W. RIMMER
ADMINISTRATOR

6th December 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 Prevention of Fires in Open Country (Amendment) Ordinance 2000 and shall be read as one with the Prevention of Fires in Open Country Ordinance as amended (hereinafter referred to as "the principal Ordinance").

Short title.

Ordinances 13/89
and 8/91.

2. The principal Ordinance is hereby amended by inserting after section 4 thereof a new section to be numbered 4A:

New section
inserted to the
principal
Ordinance.

" 4A. - (1) Where charcoal is produced within the boundaries of a local administrative authority, the authority shall within six months of the commencement of this Ordinance and in conjunction with the Area Officer concerned, establish a special site for the safe operation of any furnace used in the production thereof.

(2) From the date of the establishment of any such special site as is provided for in subsection (1) above, it shall be prohibited to operate any furnace for the purpose of producing charcoal in a place other than the said site.

(3) Any person who operates a furnace in contravention of subsection (2) above, shall commit an offence against this Ordinance and shall be liable on conviction to imprisonment not exceeding two years or to a fine not exceeding two thousand pounds or to both such penalties. "

6th December 2000
(123/4)

D.J. BONNER,
Chief Officer.



