



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1290 of 11th June 2003
LEGISLATION

ORDINANCE 18 OF 2003

AN ORDINANCE
TO PROVIDE FOR ANIMAL FEEDING STUFFS AND
ANIMAL FEEDING STUFF ADDITIVES (CONTROL OF
QUALITY, SUPPLY AND USE)

T.W. RIMMER
ADMINISTRATOR

10th June 2003.

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 Animal Feeding Stuffs and Animal Feeding Stuff Additives (Control of Quality, Supply and Use) Ordinance 2003.

Short Title.

2. – (1) In this Ordinance, unless the context otherwise requires:-

Interpretation.

“the Agricultural Chemist” means any qualified chemist employed in the Department of Agriculture in the Republic who is appointed by the Minister for the purposes of the corresponding Republican law;

“animal” means any mammal, bird, fish (including any crustacean), or any productive insect, such as a bee;

“animal feeding stuff ” means:-

- (a) any product of animal or vegetable origin in its natural state (whether fresh or preserved);
- (b) any product derived from the industrial treatment of any product referred to in paragraph (a) above; or
- (c) any organic or inorganic substance, used singly or in a mixture,

whether or not containing any additive, intended for oral animal feeding;

“animal feeding stuff additive” means any specified substance or preparation containing any substance, which, when incorporated into an animal feeding stuff is intended to:-

- (a) improve the quality of animal feeding stuffs or animal products;
- (b) improve livestock production;
- (c) satisfy specific animal nutritional requirements;
- (d) prevent or reduce the harm caused by animal waste;
- (e) improve the environment of the animal;

“article” means any animal feeding stuff, premixture or pure additive;

“complementary animal feeding stuff ” means any mixture of animal feeding stuffs which has a high content of certain substances and which, by reason of its composition, is sufficient for a daily ration only if it is used in combination with other animal feeding stuffs;

“complete animal feeding stuff ” means any compound animal feeding stuff, which, by reason of its composition, is sufficient to ensure a daily ration;

“compound animal feeding stuff” means any mixture of animal feeding stuffs, in the form of a complete animal feeding stuff or a complementary animal feeding stuff;

“compound animal feeding stuff to order” means any compound animal feeding stuff manufactured in accordance with the written and signed instructions of the purchaser;

“the corresponding Republican law” means The Animal Feeding Stuffs and Animal Feeding Stuff Additives (Control of Quality, Supply and Use) Law 1993 Number 13(1)/93, as amended from time to time and any subordinate legislation made under that Law, as amended from time to time;

“Council” means the Council of Animal Feeding Stuffs and Animal Feeding Stuffs Additives, established under section 23 of the corresponding Republican law;

“daily ration” means the average total quantity of animal feeding stuffs, calculated on a moisture content of 12 %, required daily by an animal of a given species, age category and yield, to satisfy all its needs, except water;

“establishment” means any unit in which articles are manufactured or produced with a view to putting them into circulation;

“the Government Analyst” means any qualified chemist employed in the General Government Laboratory of the Republic;

“inspector” means any inspector appointed by the Chief Officer, pursuant to section 15;

“intermediary” means any person (other than the manufacturer or any person who produces compound animal feeding stuffs for the exclusive requirements of his own holding) who holds any specified article at an intermediate stage between production and use;

“manufacturer” means the occupier of the premises in which articles are manufactured;

“Minister” means the Minister of Agriculture, Natural Resources and the Environment in the Republic;

“premises” means the whole or part of any premises used for the manufacture, packaging, storage or sale of articles or for the breeding of animals and includes any vehicle used for those purposes;

“premixture” means any mixture of additives or any mixture of one or more additives with substances used as carriers or diluents, other than any zootechnical premixture, intended for the manufacture of animal feeding stuffs;

“pure additive” means any substance or preparation containing any substance, other than any zootechnical additive, which, when incorporated into an animal feeding stuff, is likely to affect its characteristics or livestock production;

“putting into circulation” means:-

(a) holding articles for the purposes of:-

(i) sale or offering for sale; or

(ii) any other form of transfer, whether or not free of charge,

to third parties, or

(b) the sale of articles; or

(c) any other form of transfer of articles,
to third parties;

“quantity for sample taking” means the specified quantity of an article from which a sample is taken by an inspector in accordance with the specified manner and which, in the case of an article which is packaged, does not exceed the quantity of five tonnes or five thousand litres, except where:-

(a) the article is packaged in one container; or

(b) the article is packaged in two or more containers, each of which contains less than the required quantity for sample taking, in which case the quantity for sample taking shall be the content of the smallest number of containers, which together contain the required quantity;

“the Regulations” means any regulations made under this Ordinance;

“specified” means specified in the Regulations;

“starting material of animal feeding stuff” means:-

(a) any product of animal or vegetable origin in its natural state, fresh or preserved; or

(b) any product derived from the industrial processing thereof; or

(c) any organic or inorganic substance, used singly or in a mixture,

intended for the manufacture of any compound animal feeding stuff or as a diluent of any premixture;

“straight animal feeding stuff” means:-

- (a) any product of animal or vegetable origin in its natural state, fresh or preserved;
- (b) any product derived from the industrial processing of any of the products referred to in paragraph (a) above; or
- (c) any organic or inorganic substance, whether or not containing any additive, intended for oral animal feeding;

“third country” means any country other than the Republic and any member State of the European Union;

“zootechnical additive” means any:-

- (a) antibiotic,
- (b) coccidiostat or other medicinal substance; or
- (c) growth promoter;

“zootechnical premixture” means any premixture that contains one or more zootechnical additives.

(2) For the purposes of this Ordinance, any article which is sent to a purchaser shall not be considered as delivered to such purchaser until the article reaches its intended destination, whether or not the delivery itself is carried out by or on behalf of the seller or the purchaser.

(3) For the purposes of this Ordinance, where articles purchased under the same order are delivered to the purchaser in separate consignments, each consignment shall be treated as though it were an individual sale.

(4) For the purposes of this Ordinance, the supply of any article by any person to another person in exchange for any payment, goods or services shall constitute a sale of that article to such person and any reference to purchase or sale and related expressions shall be construed accordingly.

3. – (1) No person shall sell or offer for sale any article for animal feeding purposes unless:-

- (a) it conforms with any specified particulars relating to the nature, composition or quality of the article;
- (b) it is free of any infestation with insects, rodents, fungi or other micro-organisms;
- (c) it is in all other respects suitable for animal consumption;
- (d) it poses no danger to human health when any product made from an animal fed with such article is consumed by any person;
- (e) it is generally free from potentially pathogenic micro-organisms and its sale or offer for sale:-

- (i) is not prohibited by or under the Animal Health Ordinance 2002; and
- (ii) complies with any restrictions imposed by or under the said enactment; and

- (f) (i) in the case where any foreign substance (such as a weed spore, sand, earth or siliceous matter) is not naturally found in the article, it is free of any such substance; and
- (ii) in the case where any foreign substance is naturally found in the article, any such substance present therein does not exceed any specified limit.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and, on conviction, shall be liable:-

- (a) in the case of a first offence, to a fine not exceeding £1000;
- (b) in the case of a second or subsequent offence, to:-
 - (i) a term of imprisonment not exceeding six months,
 - (ii) a fine not exceeding £1000; or
 - (iii) both such penalties.

4. – (1) No person shall manufacture for sale, sell or offer for sale as an animal feeding stuff, or as a premixture, any mixture containing any added ingredient which does not constitute an animal feeding stuff or an animal feeding stuff additive, unless the use of such mixture for such purpose is permitted by virtue of section 13(2).

Restrictions on use of added ingredients.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and, on conviction, shall be liable:-

- (a) in the case of a first offence, to a fine not exceeding £500;
- (b) in the case of a second or subsequent offence, to:-
 - (i) a term of imprisonment not exceeding six months,
 - (ii) a fine not exceeding £500; or
 - (iii) both such penalties.

5. – (1) No person shall sell or offer for sale any article unless it is packaged in accordance with the specified manner.

Further conditions of sale and offer for sale of articles.

(2) Subject to subsection (4), no person shall sell or offer for sale any article of a specified description unless, subject to subsection (5), it is accompanied by a statement (hereinafter referred to as a “section 5 statement”) which:-

- (a) in the case where the specified article may be delivered in a package or other container, shall be clearly inscribed thereon or take the form of a label attached thereto; and
- (b) in the case where the specified article may be delivered in bulk, shall take the form of an accompanying document.

(3) The section 5 statement:-

- (a) shall include such particulars, information and instructions as may be specified concerning:-
 - (i) the nature, composition or quality of the article,
 - (ii) the storing, handling or use of the article; and
 - (iii) any other aspect of the article; and

- (b) may include such additional particulars, information or instructions concerning other aspects of the article as may be specified; but
- (c) shall not include any other particulars, information or instructions.

(4) Subsection (2) shall not apply:-

- (a) in the case where two or more articles are sold, the proportion and mixing of which was done at the request of the purchaser prior to his taking possession of them; or
- (b) in the case where a small quantity of articles are sold which articles are taken, in the presence of the purchaser, from a container or a bag on which is inscribed or to which is attached the section 5 statement.

(5) Notwithstanding subsection (2), the section 5 statement may be given to the purchaser prior to his taking possession of the article to which it relates but shall not be given to the purchaser after he has taken possession of such article, unless the Regulations so provide.

(6) Any person who:-

- (a) offers for sale, or sells any article which is not packaged in the specified manner in contravention of subsection (1);
- (b) fails to provide the purchaser with the section 5 statement within the specified time and in the specified form;
- (c) provides the purchaser with a section 5 statement which does not contain one or more of the particulars, information or instructions required by subsection (3)(a);
- (d) provides the purchaser with a section 5 statement which, on the basis of the quantity of the sample taken from the article:-
 - (i) does not contain one or more of the particulars, information or instructions required by subsection (3)(a); or
 - (ii) contains any false or inaccurate particulars, information or instructions which may mislead the purchaser; or
- (e) sells or offers for sale an article from a container or a bag where:-
 - (i) one or more of the particulars, information or instructions, required by subsection (3)(a) to be included in the section 5 statement inscribed thereon or attached thereto, is missing; or
 - (ii) there are any false or inaccurate particulars, information or instructions inscribed thereon or attached thereto, which may mislead the purchaser,

shall be guilty of an offence and, on conviction, shall be liable to a term of imprisonment not exceeding three months, or a fine not exceeding £1000 or both such penalties.

(7) Any person who provides a section 5 statement which contains any particulars, information or instructions in contravention of subsection (3)(c), shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding £50.

6. – (1) Subject to subsection (6), any person having on his premises with a view to sale any article of a specified description shall:-

Labelling of articles on premises with a view to sale.

(a) label it with a section 5 statement:-

(i) in the case where the article is made ready for sale on his premises, as soon as possible thereafter; or

(ii) in the case where the article is made ready for sale prior to his taking delivery of it on his premises, as soon as possible after such delivery,

and in both cases, prior to its dispatch from his premises; and

(b) ensure that it remains so labelled whilst on his premises.

(2) For the purposes of subsection (1), an article which is normally packaged prior to its delivery to the purchaser, shall be deemed to be ready for sale:-

(a) in the case where the packaging is carried out on the premises where it is manufactured, when it is packaged there in accordance with this Ordinance; or

(b) in the case where the packaging is to be carried out elsewhere, when it is ready to be packaged.

(3) Subsections (1) and (2) shall apply in relation to any imported article as they apply to any article manufactured in Cyprus, except and to the extent that the Regulations prescribe otherwise.

(4) Any person having on his premises any article, with a view to sale, which:-

(a) has not been labelled pursuant to subsection (1);

(b) has not been labelled with all the particulars, information and instructions required by section 5(3)(a); or

(c) has been labelled with such labelling which, in respect of the quantity for sample taking:-

(i) does not contain one or more of the particulars, information or instructions required by section 5(3)(a); or

(ii) contains any false or inaccurate particulars, information or instructions which may mislead the purchaser,

shall be guilty of an offence and, on conviction, shall be liable-

(d) in the case of a first offence, to a fine not exceeding £400;

(e) in the case of a second or subsequent offence, to:-

(i) a term of imprisonment not exceeding three months,

(ii) a fine not exceeding £500; or

(iii) both such penalties.

(5) In any case other than a case where the time of carrying out an inspection coincides with the time of the removal of the article from the premises, it shall be a defence in any proceedings if the accused person proves that the labelling of the article in accordance with the requirements of this section was not possible prior to the time of carrying out the inspection.

(6) Where the Regulations so provide, the labelling of any article kept on any premises with a view to sale may consist of a special mark, in lieu of the particulars, information and instructions required under this section, the meaning of which shall be ascertained by reference to a register, which register shall be kept in the specified manner and form and any article so labelled shall be deemed, for the purposes of this Ordinance, to be labelled with the particulars, information and instructions to which the mark relates.

(7) Any person who keeps a register in accordance with subsection (6) shall do so for the period specified and any person having in his possession or under his control such register shall, when an inspector so requires, make the register available for inspection and permit him to take copies thereof or therefrom.

(8) Any person who fails to comply with subsection (7) shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding £100.

Particulars required in relation to specified claimed properties of articles.

7. – (1) No person shall sell any article or have in his possession with a view to sale any article which is ready for sale, in respect of which he claims, in any statement provided to the purchaser at the time of the sale or on any labelling of any such article, that it contains any property specified for the purposes of this section, unless the statement or the labelling contains such particulars, information and instructions concerning the claimed property as may be specified.

(2) Any person who:-

- (a) fails to provide in any statement or on any labelling one or more of the specified particulars, information or instructions concerning the claimed property, pursuant to subsection (1); or
- (b) in complying with subsection (1), includes in any statement or on any labelling any false or inaccurate particulars, information or instructions which may mislead the purchaser,

shall be guilty of an offence and, on conviction, shall be liable:-

- (c) in the case of a first offence, to a fine not exceeding £500;
- (d) in the case of a second or subsequent offence:-
 - (i) to a term of imprisonment not exceeding three months,
 - (ii) a fine not exceeding £500; or
 - (iii) both such penalties.

(3) Non-compliance with subsection (1) shall not invalidate a sale contract; but, where during the sale of an article in relation to which are declared or appear to be declared those particulars, information and instructions relating to its properties as are specified

for that purpose, it shall be deemed that a guarantee was given by the seller to the purchaser that the said particulars, information and instructions pertaining to the article are accurate, unless the seller notifies or agrees with the buyer prior to or at the time of the sale that no such guarantee is given.

(4) For the purposes of this section, labelling may take the form of:-

- (a) a label on or attached to the article itself;
- (b) a label on or attached to the bag or container bearing the manufacturer's name; or
- (c) in the case where any person has in his possession any article with a view to sale, a label on the premises where the article is kept, provided that such label is suitably positioned and it is evident from the label to which article it relates.

8. – (1) In the case of any sale of an article for animal feeding purposes it shall be deemed that the seller guarantees to the purchaser that the article is suitable for those purposes, but:-

- (a) where an article is sold as suitable for feeding certain animals only, no guarantee shall be valid in relation to its suitability for other animals; and
- (b) where an article is sold as suitable for animal feeding purposes only after it is mixed with another article, no guarantee shall be valid where it is not so mixed.

(2) In the case of any sale of an article of specified description for animal feeding purposes it shall be deemed that the seller guarantees to the purchaser that the said article does not contain any ingredient specified for the purposes of this subsection, other than those specified ingredients specified in the section 5 statement.

9. – (1) Where, during the sale of any article for use as an animal feeding stuff:-

- (a) the seller provides the purchaser with a written statement or a document in which the article is described with a name or an expression to which a specific meaning has been assigned by the Regulations; or
- (b) such article is labelled with such a name or expression,

it shall be deemed that a guarantee was given by the seller to the purchaser that the article is consistent with the specified meaning.

(2) Where a person:-

- (a) during the sale of any article for use as an animal feeding stuff, provides the purchaser with a written statement or document in which he describes the article with a name or an expression to which a specific meaning has been assigned by the Regulations or the article is labelled with such a name or expression; or
- (b) has in his possession any article with a view to sale for use as an animal feeding stuff which bears such a name or expression,

Guarantees in relation to suitability of articles.

Guarantees in relation to description of articles.

and the sample taken from such article is not consistent with the specified meaning, such person shall be guilty of an offence and, on conviction, shall be liable:-

- (c) in the case of a first offence, to a fine not exceeding £500;
 - (d) in the case of a second or subsequent offence:-
 - (i) to a term of imprisonment not exceeding three months,
 - (ii) a fine not exceeding £500; or
 - (iii) both such penalties.
- (3) For the purposes of this section, labelling may take the form of:-
- (a) a label on or attached to the article itself;
 - (b) a label on or attached to the bag or container bearing the manufacturer's name; or
 - (c) in the case where any person has in his possession any article with a view to sale, a label on the premises where such article is kept, provided such label is suitably positioned and it is evident from the label to which article it relates.

Offences in relation to articles containing substances poisonous, dangerous or unhealthy for animals or humans.

10. – (1) Any person who:-

- (a) sells any article for animal feeding purposes or has in his possession with a view to sale for such purposes any article which is ready for sale; or
- (b) uses an article for animal feeding purposes,

shall be guilty of an offence if an analysis of the quantity of the sample taken from the article reveals that it contains:-

- (c) in the case of paragraph (a) above, any substance specified as poisonous, dangerous or unhealthy for:-
 - (i) animals; or
 - (ii) humans who consume any product of an animal fed on such article; or
- (d) in the case of paragraph (b) above, any substance specified as poisonous, dangerous or unhealthy for humans who consume any product of an animal fed on such article.

(2) Where, in any proceedings under subsection (1), the accused person proves that he sold or had in his possession with a view to sale such article as suitable only for feeding animals of a specific category:-

- (a) in the case where the proceedings relate to the sale or possession with a view to sale of an article which contains a substance specified as poisonous, dangerous or unhealthy for a specific class of animals, such person shall not be convicted by reason that the quantity of the sample taken from the article contains any substance which is only poisonous, dangerous or unhealthy for animals of a different class;
- (b) in the case where the proceedings relate to the sale, possession with a view to sale or use of an article which contains a substance specified as poisonous, dangerous or

unhealthy for humans who consume any product of an animal of a specific class fed on such article, such person shall not be convicted by reason that the quantity of the sample taken contains any substance which is only poisonous, dangerous or unhealthy for humans who consume any product of an animal of a different class fed on such article.

(3) Where, in any proceedings for an offence under subsection (1), the accused person proves that he sold or had in his possession with a view to sale, such article for use in accordance with written directions given by him to the purchaser, such person shall not be convicted by reason that the quantity of the sample taken from the article contains any substance which is only poisonous, dangerous or unhealthy for animals or humans, as the case may be, if such article is used other than in accordance with such directions.

(4) For the purposes of any proceedings under this section, it shall be deemed, unless the contrary is proved, that:-

- (a) any substance specified for the purposes of this section as poisonous, dangerous or unhealthy for:-
 - (i) animals; or
 - (ii) humans who consume any product of an animal, fed on any article containing any such substance; or
- (b) any such substance which is found to be present in the quantity of the sample taken from the article in levels which exceed any specified limits,

is a poisonous, dangerous or unhealthy substance for animals or humans, as the case may be.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and, on conviction, shall be liable:-

- (a) in the case of a first offence, to a fine not exceeding £500;
- (b) in the case of a second or subsequent offence, to:-
 - (i) a term of imprisonment not exceeding three months,
 - (ii) a fine not exceeding £500; or
 - (iii) both such penalties.

11. – (1) No prosecution shall be brought in reliance upon any false statement in any guarantee arising under this Ordinance concerning the nature, composition or quality of the article to which it relates, where the extent to which the nature, composition or quality of the article, as the case may be, is found to depart from the claim made in the false statement does not exceed any limits of variation specified for the purposes of this section.

Tolerable limits of variation in relation to false claims.

(2) No prosecution shall be brought in reliance upon any false statement in any section 5 statement, concerning the nature, composition or quality of the article to which it relates, where the extent to which the nature, composition or quality of the article, as the case may be, is found to depart from the claim made in the false statement does not exceed any limits of variation specified for the purposes of this section.

Manufacture of compound animal feeding stuffs to order.

12. – (1) Subject to the relevant provisions of section 13 concerning animal feeding stuff additives and any specified provisions concerning poisonous, dangerous or unhealthy substances, any establishment which holds a licence, certificate of approval or certificate of registration for the purposes of section 23 may manufacture compound animal feeding stuffs to order.

(2) Without prejudice to section 5 and the Regulations, a manufacturer shall not be obliged to provide the purchaser with particulars of the chemical composition of the compound animal feeding stuffs to order, unless he has agreed to do so.

(3) A manufacturer of any compound animal feeding stuffs to order shall not sell or offer for sale any such animal feeding stuffs to any person other than the person who places the order.

(4) Any person who places an order for any compound animal feeding stuffs to order shall not be permitted to sell or offer for sale any such animal feeding stuffs to any third party.

(5) Any person who contravenes this section or provides a section 5 statement which, on the basis of the quantity of the sample taken from the article:-

(a) does not contain one or more of the particulars, information and instructions required to be provided by or under this Ordinance concerning the nature, composition or quality of the articles used for the manufacture of the compound animal feeding stuffs to order; or

(b) contains any false or inaccurate particulars, information or instructions which may mislead the purchaser,

shall be guilty of an offence and, on conviction, shall be liable:-

(c) in the case of a first offence, to a fine not exceeding £1000;

(d) in the case of second or subsequent offence, to:-

(i) a term of imprisonment not exceeding six months,

(ii) a fine not exceeding £1000 or

(iii) both such penalties.

Controls on use of additives in animal feeding stuffs.

13. – (1) For the purposes of this Ordinance, only specified additives may be used for animal feeding purposes and only after such additives have been mixed and incorporated in the animal feeding stuffs, unless the manner in which they may be used is otherwise specified.

(2) This section shall not apply to or in relation to any substance intended for use:-

(a) in the treatment of any animal in accordance with the written instructions and under the supervision of a veterinarian;

(b) as a pharmaceutical product; or

(c) in an animal feeding stuff for treatment or therapeutic purposes.

(3) Any person who manufactures, sells, has in his possession with a view to sale or uses any article for animal feeding purposes which, on the basis of the quantity of the sample taken from the

article, contains any additive other than a specified additive, shall be guilty of an offence and, on conviction, shall be liable:-

- (a) in the case of a first offence, to a fine not exceeding £500;
- (b) in the case of a second or subsequent offence to:-
 - (i) a term of imprisonment not exceeding three months,
 - (ii) a fine not exceeding £1000; or
 - (iii) both such penalties.

14. – (1) The purchaser of any article for animal feeding purposes, in relation to which a guarantee was provided by the seller or deemed to have been provided under this Ordinance, shall be entitled to require, on submission of an application:-

Purchaser's right to demand the taking and analysis of a sample of an article.

- (a) an inspector to take a sample of the article in accordance with the specified manner; and
- (b) an Agricultural Chemist to analyse such sample in accordance with the manner specified in the corresponding Republican law.

(2) Where the purchaser of any article requires that a sample be taken of any article pursuant to subsection (1)(a), he shall, if required by an inspector, provide him with:-

- (a) the name and address of the seller; and
- (b) the section 5 or other written statement, document or label or a copy thereof, provided by the seller, which contains a guarantee or provides the basis for a deemed guarantee in respect of the article.

(3) No sample of an article shall be taken pursuant to subsection (1)(a):-

- (a) in the case where the guarantee is included in, or derives from, any section 5 or other written statement, document or label, after the expiry of a period of six months after the purchaser receives:-
 - (i) the article; or
 - (ii) the statement, document or label,
 whichever of the two events occurred last;
- (b) in any other case, after the expiry of a period of six months after the purchaser receives the article.

(4) Any application submitted pursuant to:-

- (a) subsection (1)(a), shall be accompanied by the specified fee;
- (b) subsection (1)(b), shall be accompanied by such fee as may be specified in the corresponding Republican law.

15. – (1) The Chief Officer may appoint as inspectors such persons having suitable qualifications as he thinks necessary for the purposes of ensuring compliance with this Ordinance and any Regulations and Orders made thereunder and may terminate any such appointment.

Appointment and powers of inspectors.

(2) An inspector, if so required when exercising or seeking to exercise any power or perform any duty conferred or imposed upon him by this Ordinance, shall produce written proof of his appointment.

(3) An inspector may, at any reasonable time:-

- (a) enter any premises (other than premises which are used exclusively as dwelling houses) in which he has reasonable cause to believe there are any articles which:-
 - (i) are intended and ready for sale; or
 - (ii) have been purchased by the occupier, and take a sample thereof, for analysis;
- (b) enter any premises in which he has reasonable cause to believe that animal feeding stuffs are manufactured but are not intended for sale, which contain any substance specified as poisonous, dangerous or unhealthy for animals or humans or any animal feeding stuff additive and take a sample thereof, in accordance with the specified manner, for analysis of the said substance or additive, as the case may be.

(4) An inspector may require the purchaser of any article:-

- (a) to reveal the name and address of the seller; and
- (b) to present to him and allow him to make copies of any section 5 or other written statement, document or label, provided by the seller pursuant to this Ordinance.

(5) Any person who, without reasonable cause, fails to comply with any requirement of an inspector pursuant to subsection (4) shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding £100.

(6) An inspector entering any premises under this section may carry with him such equipment and be accompanied by such other persons as he deems necessary.

(7) Without prejudice to his duties concerning the taking of samples in the specified manner, an inspector may, for the purposes of this Ordinance, take a sample, in a manner other than that specified, from any article which was sold for animal feeding purposes or which he has reasonable cause to believe will be sold for such purposes.

(8) Where an inspector takes a sample from one or more containers offered for retail sale and the containers each weigh six kilogrammes or less, the person in possession of them may require the inspector to buy the container or containers and their contents on behalf of the authority he is acting for.

(9) If an inspector finds that any article is infested with fungi, seriously infested with insects or is otherwise unsuitable for animal feeding purposes, he may make an order for its destruction or its disposal in a manner he deems appropriate and, pending its destruction or its disposal (which must not take place within three days of the making of the order), the inspector may seal the article or otherwise secure it.

(10) The manufacturer, seller or purchaser of the article referred to in subsection (9) may, within three days of the making of the order, appeal to the Chief Officer, whereupon the inspector shall seal or otherwise secure the article until a second inspection is carried out by an officer appointed for this purpose by the Chief Officer, which inspection shall be carried out within seven days of the appeal.

(11) The manufacturer, seller, or purchaser of the article referred to in subsection (9) or any person to whom the keeping of such article has been temporarily entrusted shall keep the article in a safe and secure place, pending its destruction or disposal in accordance with the inspector's order, and, whilst in his possession, shall not tamper in any way with the article itself or any seal attached thereto.

(12) Any person who contravenes subsection (11) shall be guilty of an offence and, on conviction, shall be liable:-

- (a) in the case of a first offence, to a fine not exceeding £1000;
- (b) in the case of a second or subsequent offence, to:-
 - (i) a term of imprisonment not exceeding six months,
 - (ii) a fine not exceeding £1000; or
 - (iii) both such penalties.

16. – (1) When an inspector takes a sample of any article, he shall:-

Sampling and
analysis of articles.

- (a) take such sample in accordance with any specified manner;
- (b) subject to subsection (2), as far as possible, divide the sample into three equal parts;
- (c) ensure that each part is labelled, sealed and secured, in accordance with any specified manner;
- (d) send one part to the Agricultural Chemist, for analysis, together with:-
 - (i) a signed statement by him, confirming that the sample was taken in accordance with any specified manner; and
 - (ii) a copy of any section 5 statement or other written statement, document or label, provided by the seller, which relates to the article from which the sample was taken;
- (e) send one part:-
 - (i) in the case where the sample was taken on the application of the purchaser under section 14(1)(a), to the seller or his representative;
 - (ii) in the case where the occupier of the premises from which the sample was taken purchased the said article for use and not for resale, to the seller or his representative;
 - (iii) in all other cases, to the occupier of the premises from which the sample was taken; and

- (f) retain one part for nine months (hereinafter referred to as “the retained part”), for the purposes of section 17.

(2) Where the manufacturer of any article from which an inspector has taken a sample is not the seller of the article for the purposes of subsection (1), the inspector shall divide the sample into four equal parts and send the fourth part to the manufacturer, unless, after making reasonable enquiries, he is unable to ascertain the manufacturer’s name and an address for him in Cyprus within fourteen days of the date when the sample was taken.

(3) Upon receipt of the Certificate of Analysis, sent to him by the Agricultural Chemist, pursuant to the relevant provision of the corresponding Republican law, the inspector shall send a copy of such Certificate:-

- (a) in the case where the sample was taken on the application of the purchaser under section 14(1)(a), to the purchaser or his representative; and
- (b) in all cases, to every person to whom he sent part of the sample pursuant to subsections (1)(e) and (2).

17. – (1) Where a sample is taken from an article on the application of a purchaser in accordance with section 14(1)(a), the purchaser, the seller and any other person against whom proceedings may be filed with regard to the sale of such article, shall be entitled to require the inspector:-

- (a) to send the retained part to the Government Analyst for analysis in accordance with the relevant provisions of the corresponding Republican law;
- (b) to supply the person requesting the analysis with a copy of the Certificate of Analysis of the retained part issued by the Government Analyst, whether or not the retained part was sent to the Government Analyst for analysis at the behest of such person.

(2) Where, in any proceedings against any person for an offence under this Ordinance, evidence is to be adduced or is sought to be adduced of the results of any analysis, by the Agricultural Chemist, of a sample taken by an inspector pursuant to section 16(1):-

- (a) in the case where he is not the inspector, the prosecutor shall be entitled to require the inspector:-
- (i) to send the retained part to the Government Analyst for analysis in accordance with the relevant provisions of the corresponding Republican law;
- (ii) to supply the prosecutor with a copy of the Certificate of Analysis of the retained part issued by the Government Analyst;
- (b) in the case where he is the inspector, the prosecutor shall be entitled to send the retained part to the Government Analyst for analysis in accordance with the relevant provisions of the corresponding Republican law; and
- (c) adduce evidence of the results of the analysis referred to in paragraph (b) above in such proceedings.

(3) Where the prosecutor is exercising his rights under subsection (2), he shall arrange for a copy of the Certificate of Analysis of the Agricultural Chemist and a copy of the Certificate of Analysis of the Government Analyst to be served with the court summons.

(4) Where, in any proceedings against any person for an offence under this Ordinance, evidence is to be adduced or is sought to be adduced of the results of any analysis by the Agricultural Chemist of a sample taken by an inspector pursuant to section 16(1) but the sample has not been analysed by the Government Analyst, the Court may, if it thinks fit or on the application of the prosecutor or the accused person, order that the retained part be sent to the Government Analyst for analysis.

(5) Where, pursuant to this section, part of a sample is sent for analysis to the Government Analyst, there shall be sent with it:-

- (a) a copy of each document sent to the Agricultural Chemist together with the part of the sample; and
- (b) in the case where the part of the sample was sent to the Agricultural Chemist under subsection (2) or (4), a statement of the particulars of the sample upon which the alleged offence is based.

(6) An application for analysis under subsection (1) or (2) shall not be considered unless it is accompanied by such fee as may be specified in the corresponding Republican law.

(7) The specified fee for any analysis ordered by the court under subsection (4) shall be paid by the person or party named by the court.

18. – (1) The Regulations may provide, in specified cases, that any inspector who takes a sample must be satisfied in relation to specified matters which may affect the condition of the article from which the sample is taken.

Additional provisions concerning sampling and analysis.

(2) The Regulations may impose requirements in relation to the handling and storing of the parts of any samples taken and specify time limits within which the analyses must be carried out.

(3) Where the method of analysis for the determination of any fact concerning the nature, composition or quality of any article is specified in the Regulations, any statement of such fact:-

- (a) in any section 5 statement concerning any article under this Ordinance; or
- (b) in any document or on any labelling or implied labelling which does not constitute or form part of a section 5 statement but which provides the basis for a guarantee under this Ordinance,

shall be treated as a statement of such fact determined by an analysis in accordance with the specified method.

(4) Any Certificate of Analysis issued by the Agricultural Chemist or the Government Analyst, as the case may be, shall be accepted in any legal proceedings as evidence of the facts stated therein, provided the party against whom the evidence is to be used has been provided with a copy of such certificate at least twenty one days before the commencement of such proceedings and such party has

not, at least seven days before that date, given to the other party a notice requiring the appearance in such proceedings of the person who carried out the analysis.

(5) Any document which purports to be a Certificate of Analysis shall be treated as such, unless the contrary is proved.

(6) Any person who in any way:-

- (a) tampers with the article during the sample taking in such a manner that the sample of the article taken or handed over for analysis does not correctly represent the article;
- (b) tampers with any sample taken or handed over for analysis; or
- (c) interferes with the analysis of the sample itself,

shall be guilty of an offence and, on conviction, shall be liable to a term of imprisonment not exceeding three months, a fine not exceeding £500 or both such penalties.

19. Where the commission by any person of an offence under this Ordinance is due to the act or default of another person, that other person shall be guilty of the offence and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

20. – (1) Subject to subsection (2), in any proceedings for an offence under sections 5(6)(c), 5(6)(d), 6(4)(c), 7(2)(b), 9(2) or 10, it shall be a defence for the accused person to prove:-

- (a) that the commission of the offence was due to a mistake or to reliance upon information supplied by another person, or to the act or default of another person, or to an accident or to another cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence in order to avoid the commission of such offence by any person under his control.

(2) Where, pursuant to subsection (1), the accused person claims that the commission of the offence was due to the act or default of another person or to reliance upon information supplied by another person, the accused person shall not be entitled, without the leave of the court, to rely upon such a defence, unless, at least seven days prior to the hearing, he notifies the prosecutor in writing giving such information leading to the identification or which helps towards the identification of that other person as was in his possession at that time.

21. – (1) Any person who obstructs an inspector in the exercise of his powers or performance of his duties under this Ordinance shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding £100.

(2) Any person who falsely pretends to be an inspector for the purposes of this Ordinance, shall be guilty of an offence and, on conviction, shall be liable:-

- (a) in the case of a first offence, to a fine not exceeding £200;
- (b) in the case of a second or subsequent offence, to:-

Offences due to fault of other person.

Defences.

Offences in relation to obstructing and impersonating inspectors and disclosure of information.

- (i) a term of imprisonment not exceeding three months,
- (ii) a fine not exceeding £200, or
- (iii) both such penalties.

(3) Subject to subsection (5), no person shall disclose any information acquired by him as a result of the exercise of any power conferred upon him or duty imposed upon him by or under this Ordinance except for the purposes of performing his functions or enabling any other person entitled to receive such information under this Ordinance to perform his functions.

(4) Any person who contravenes subsection (3) shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding £500.

(5) Subsection (3) shall not prevent an inspector who took a sample from any article pursuant to section 15(4), from disclosing to:-

- (a) the manufacturer or the last seller of the article, information with regard to the place from where and the person from whom the sample was taken; or
- (b) the manufacturer, the last seller of the article or any person who was in possession of the article with a view to sale when the sample was taken, information concerning the results of any analysis of such sample.

22. This Ordinance shall not apply to or in relation to any article-

- (a) which is intended for use only for scientific research purposes and which is not generally available for sale, purchase or use and is clearly marked to that effect;
- (b) which is intended only for export to a third country and is clearly marked to that effect;
- (c) to the sale of any article during the exercise of legal powers for the imposition of charges or the fulfilment of a requirement, pawning or pledging; or
- (d) to the sale of any article by the Court Bailiff or other Officer of the Court in fulfilment of an execution order or authorisation or decision of the Court or confiscation in lieu of a rent or the fulfilment of a confiscation order.

Disapplications in relation to certain articles.

23. – (1) No article shall be manufactured in any establishment unless that establishment holds the necessary licence, certificate of approval or certificate of registration, permitting such activity to be carried out therein.

Licensing, approval and registration of establishments and intermediaries.

(2) No person may perform any of the functions of an intermediary in relation to any article unless that person holds the necessary certificate of approval or certificate or registration, permitting him to do so.

(3) The relevant provisions of the corresponding Republican law shall apply to and in relation to the application, determination, attachment of conditions, grant, renewal, suspension and revocation of and payment for any licence, certificate of approval or certificate of registration required by subsections (1) and (2).

24. – (1) In any legal proceedings under this Ordinance, the Court may take judicial notice of the corresponding Republican law (hereinafter in this section referred to as “the Republican law”) and any licence, certificate of approval or certificate of registration granted in accordance with its provisions for the purposes of section 23.

(2) For the purposes of subsection (1), the production in the Court of:-

(a) a copy of the Republican law or any part thereof:-

(i) contained in any printed collection of laws purported to be printed and published by or on behalf of the Republic; or

(ii) contained in any issue of the Gazette of the Republic; or

(iii) purported to be printed by the Government Printer of the Republic, by whatever name called,

shall be incontrovertible evidence, for all purposes, that the Republican law was duly enacted;

(b) an English language version of the Republican law or any part thereof:-

(i) purported to be produced by or on behalf of the Republic;

(ii) 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 translator into the English language from the language in which the Republican law was published in the Republic;

(iii) given or produced in the course of oral evidence by any person whom the Court considers to be a competent translator for the purpose; or

(iv) stated orally in the Court or produced in writing by a Registrar or an official court interpreter,

may be held by the Court to be incontrovertible evidence for all purposes that such version is an accurate English version of the Republican law or part thereof;

(c) a copy of any licence, certificate of approval or certificate of registration, the validity of which is certified by a senior officer of the responsible Government Department of the Republic, may be held by the Court to be incontrovertible evidence for all purposes that such licence, approval or registration was duly granted, subject to the terms and conditions stated therein;

(d) an English language version of any licence, certificate of approval or certificate of registration, certified as being accurate by any officer of the Administration or of the responsible Government Department of the Republic considered by the Court to have been at the time of such certification a competent translator into the English language from the language in which the licence, approval or registration was written, may be held by the Court to be incontrovertible evidence for all purposes that such version is the accurate English version of the licence, approval or registration, as the case may be.

25. – (1) Any person who:-

- (a) contravenes or fails to comply with section 23 or any of the Regulations pertaining thereto;
- (b) contravenes or fails to comply with any condition of any licence, approval or certificate issued or granted to him or in relation to his establishment, pursuant to sections 23;
- (c) conceals, destroys, forges or refuses to produce any book or document which may be requested for inspection under this Ordinance;
- (d) in any way intentionally obstructs an inspector in the exercise of his powers or the performance of his duties under this Ordinance,

shall be guilty of an offence and, on conviction, shall be liable:-

- (e) in the case of a first offence, to a fine not exceeding £500;
- (f) in the case of a second or subsequent offence, to:-
 - (i) a term of imprisonment not exceeding six months,
 - (ii) a fine not exceeding £500, or
 - (iii) both such penalties.

26. The Chief Officer may delegate, by notice published in the Gazette, any of the duties or functions imposed upon him or powers conferred upon him by or under this Ordinance to any person whom he thinks is a fit and proper person to perform any such duty or function or exercise any such power, as the case may be, on his behalf.

Further offences and penalties.

Delegation of Chief Officer's functions.

27. The Chief Officer may make Orders, as specified by the Regulations, which Orders shall be published in the Gazette.

Making of Orders under the Regulations.

28. The Administrator may make Regulations with respect to the approval of establishments and intermediaries, the packaging, sale, quality control and putting into circulation of articles and any other matter connected therewith.

Making of Regulations.

29. – (1) The Animal Feeding Stuffs (Control) Ordinance is hereby repealed.

Repeal of Cap.30.

(2) The provisions of The Medicines (Control of Sale, Supply and Manufacture) Ordinance 2000 shall not apply to or in relation to any animal feeding stuff, premixture, animal feeding stuff additive or any complementary animal feeding stuff.

Modification of Ord.6/2000.

(3) The Adulteration of Agricultural Produce Ordinance and any regulations made thereunder shall not apply with respect to the payment of fees for the inspection of goods intended for animal feeding purposes and which are subject to the payment of a fee in accordance with the Regulations.

Modification of Cap.24.

30. This Ordinance shall come into force on such day as the Administrator, by notification in the Gazette, shall appoint.

Commencement.

10th June 2003
(195/1)

W. M. Jessett
Chief Officer.

Marginal Notes

(To be inserted in the Ordinance alongside the first line of the appropriate section, except where otherwise indicated)

- Section 1. Short Title.
- Section 2. Interpretation.
- Section 3. Conditions of sale and offer for sale of articles.
- Section 3(1)(e) Ord.5/2002.
- Section 4. Restrictions on use of added ingredients.
- Section 5. Further conditions of sale and offer for sale of articles.
- Section 6. Labelling of articles on premises with a view to sale.
- Section 7. Particulars required in relation to specified claimed properties of articles.
- Section 8. Guarantees in relation to suitability of articles.
- Section 9. Guarantees in relation to description of articles.
- Section 10. Offences in relation to articles containing substances poisonous, dangerous or unhealthy for animals or humans.
- Section 11. Tolerable limits of variation in relation to false claims.
- Section 12. Manufacture of compound animal feeding stuffs to order.
- Section 13. Controls on use of additives in animal feeding stuffs.
- Section 14. Purchaser's right to demand the taking and analysis of a sample of an article.
- Section 15. Appointment and powers of inspectors.
- Section 16. Sampling and analysis of articles.
- Section 17. Further analysis by Government Analyst.
- Section 18. Additional provisions concerning sampling and analysis.
- Section 19. Offences due to fault of other person.
- Section 20. Defences.
- Section 21. Offences in relation to obstructing and impersonating inspectors and disclosure of information.
- Section 22. Disapplications in relation to certain articles.
- Section 23. Licensing, approval and registration of establishments and intermediaries.
- Section 24. Judicial notice.
- Section 25. Further offences and penalties.
- Section 26. Delegation of Chief Officer's functions.
- Section 27. Making of Orders under the Regulations.
- Section 28. Making of Regulations.
- Section 29(1). Repeal of Cap.30.
- Section 29(2). Modification of Ord.6/2000.
- Section 29(3). Modification of Cap.24.
- Section 30. Commencement.

