



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1321 of 4th March 2004
LEGISLATION

ORDINANCE 2 OF 2004

AN ORDINANCE
TO PROVIDE FOR THE CONTROL OF HYGIENE OF
FOODSTUFFS OF ANIMAL ORIGIN
AND FOR RELATED MATTERS

P. T. C. Pearson CBE
ADMINISTRATOR

24th February 2004.

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 Foodstuffs Hygiene Ordinance 2004. Short title.

2. In this Ordinance, unless the context otherwise requires – Interpretation.

“animal” means any animal of the following species:

- bovine, including bulls,
- sheep and goats,
- solidungulates,
- pigs,
- gallinaceous birds,
- rabbits,
- wing and ground game, wild or bred,
- reptiles,
- frogs;

“approved undertaking” means any undertaking in relation to which an operating licence is in force;

“Commission” means the Commission of the European Union;

“foodstuffs of animal origin” means fresh animal meat or animal minced meat and includes live bivalve molluscs, echinoderms, tunicates, marine gastropods and snails which are intended for human consumption;

“HACCP manual” means a manual which sets out the procedures to be implemented by an undertaking in accordance with the HACCP system principles and any documents relating to the maintenance of such principles;

“HACCP system principles” means the procedures implemented in accordance with the principles of the Community system of hazard analysis and critical control points;

“intra-community trade” means any commercial transaction of foodstuffs of animal origin between an approved undertaking in the Island of Cyprus and a member state, and includes the production, processing, storing and transporting of such products in the Island of Cyprus before the time of the commercial transaction;

“Island of Cyprus” has the meaning given to that expression by section 2 of the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968;

“member state” means a member state of the European Union;

“official veterinarian” means any veterinarian appointed by the Chief Officer to be an official veterinarian;

“operating licence” means a licence issued in accordance with section 5;

“operator” means the owner of, or the person having overall responsibility for, the running of the undertaking;

“placing on the market” means holding or displaying for sale, offering for sale, selling, delivering or any other method of trade of foodstuffs of animal origin for the purpose of intra-community trade and trade with third countries;

“premises” means any premises or other place where foodstuffs of animal origin are produced, processed, stored or from where such foodstuffs are placed on the market and includes any means of transport of foodstuffs of animal origin;

“third country” means any country or territory other than the Areas or any member state;

“undertaking” means any undertaking at the premises of which foodstuffs of animal origin are produced, processed, stored or from which such foodstuffs are transported or placed on the market;

“veterinarian” means (except in the expression “veterinarian check”) any practitioner as defined by section 2 of the Veterinary Surgeons Ordinance 1964;

“veterinary approval number” means the number assigned to an approved undertaking or part of an undertaking in accordance with section 5;

“veterinarian check” means any physical check or procedure or any administrative act relating to animals or animal products, whether edible or non edible, which aims directly or indirectly to ensure the protection of animal health and public health;

“veterinary inspector” means any person authorised by the Chief Officer to make inspections under the supervision of an

Ordinance 5/68,
10/88 and 10/92.

Ordinance 21/64.

official veterinarian and to assist such official veterinarian in the exercise of his powers and the execution of his decisions.

3. This Ordinance provides the general framework for the regulation of activities carried out by an undertaking.

Purpose of Ordinance.

4. – (1) Subject to subsection (2), placing foodstuffs of animal origin on the market shall be permitted only where such foodstuffs have been produced, processed and stored at an approved undertaking, or have been transported from such an undertaking, in accordance with regulations made under section 14.

Placing foodstuffs of animal origin on the market.

(2) Regulations made under section 14 may permit the Administrator to exempt any undertaking from the provisions of this Ordinance where foodstuffs of animal origin handled by that undertaking are intended only to be placed on the market in the Island of Cyprus and are not intended for intra-community trade or trade with third countries.

(3) Subject to any order made under section 8 and to any regulations made under section 14, foodstuffs of animal origin may be imported into the Areas from a third country provided that the provisions of this Ordinance and of any regulations or orders made under it and the provisions of any other Ordinance are complied with.

5. – (1) Any person who wishes his undertaking to be approved for the purpose of placing foodstuffs of animal origin on the market shall submit a written application for an operating licence in the form prescribed by Schedule 1, to the Chief Officer, accompanied by –

Licensing and registration of undertakings.

Schedule 1.

(a) a building permit for the premises in relation to which approval is sought and any conditions accompanying such permit which has been granted in accordance with the Streets and Buildings Regulations (Consolidation) Ordinance 1984;

(b) the HACCP manual; and

(c) the fee prescribed by an order made under section 8.

Ordinance 7/84 as amended by Ordinance Nos. 2/87, 13/87, 18/88, 10/96, 7/99, 2/2000 and 10/2000.

(2) Following the submission of an application in accordance with subsection (1) above, the Chief Officer shall inspect the undertaking without delay and provided that such undertaking complies with the requirements of this Ordinance and of any regulations or orders made under it, shall issue an operating licence for the particular undertaking in the form prescribed by Schedule 2.

Schedule 2.

(3) Where an application for a licence in accordance with subsection (1) is refused, the applicant may, within fifteen days of the date the said decision is notified to him, submit an appeal to the Administrator in writing.

(4) The Chief Officer shall keep, in the manner prescribed by regulations made under section 14, a register of any approved undertakings which shall include the name of the operator and the veterinary approval number:

Provided that, any part of an approved undertaking may receive a separate or the same veterinary approval number as any other part of the same undertaking in accordance with regulations made under section 14:

Provided further that, the Chief Officer may keep a separate register of any undertaking which is approved to place foodstuffs of animal origin on the market only in the Island of Cyprus, in accordance with regulations made under section 14.

(5) The Chief Officer shall send a copy of the register compiled in accordance with subsection (5) to the member states and the Commission, unless otherwise provided for in any regulations made under section 14.

Revocation
or suspension
of operating
licence.

6. – Subject to section 9 and to any regulations made under section 14, the Chief Officer may revoke or suspend an operating licence if the approved undertaking fails to comply with any requirements imposed on it by this Ordinance and by any regulations or orders made under it.

General
powers and
responsibilities
of the Chief
Officer.

7. – (1) The Chief Officer shall have the power and responsibility to provide for –

- (a) the carrying out of any veterinarian checks in connection with the production, processing, storage and transportation of foodstuffs of animal origin intended for intra-community trade and trade with third countries;
- (b) the issue of certificates relating to matters within his competence;
- (c) the registration of an approved undertaking, including the name of the operator of such undertaking and the veterinary approval number;
- (d) the carrying out of any inspection or veterinarian check at any undertaking which has submitted an application in accordance with section 5, and at any approved undertaking, for the purpose of ensuring compliance with any requirements imposed on it by this Ordinance or any regulations or orders made under it, and such other inspections or veterinarian checks as the Chief Officer may deem necessary;
- (e) collect any fee due by an operator in accordance with section 5 and any fee due by an objector in accordance with section 10;
- (f) grant, suspend or revoke an operating licence having regard to the recommendation of an official veterinarian.

(2) More specific responsibilities, powers, activities and duties which contribute to the fulfilment of the aims of this Ordinance may be assigned to the Chief Officer under regulations or orders made under this Ordinance.

Powers of the
Chief Officer.

8. The Chief Officer shall have power to –

- (a) issue notifications to be published in the Gazette which may relate to the following –
 - (i) fees in respect of an application for an operating licence;
 - (ii) fees in respect of an objection under section 10;
 - (iii) the publication of lists of third countries or parts of third countries from which the importation into the Areas of foodstuffs of animal origin may be permitted;
 - (iv) the authorisation of an official laboratory;

- (b) authorise official veterinarians to carry out veterinarian checks and exercise powers deriving from the provisions of this Ordinance and from the regulations or orders made under it;
- (c) authorise veterinary inspectors who, under the responsibility and direction of their official veterinarians, shall assist in the carrying out of veterinarian checks and in the application or execution of the decisions of their official veterinarian;
- (d) appoint the members of committees for the examination of objections against any decision of an official veterinarian;
- (e) appoint the members of committees responsible for the destruction of confiscated foodstuffs of animal origin.

9. – (1) Official veterinarians and veterinary inspectors who have been authorised by the Chief Officer in accordance with paragraphs (b) and (c) of section 8 may enter any premises where they reasonably believe that any works which are regulated under this Ordinance are being or have been carried out, with the aim of carrying out veterinary checks in connection with foodstuffs of animal origin.

Powers of veterinarians and veterinary inspectors.

(2) In accordance with any conditions, procedures and criteria prescribed by regulations or orders made under this Ordinance, an official veterinarian may, in the exercise of the powers given to him under this Ordinance -

- (a) confiscate-
 - (i) foodstuffs of animal origin which are unfit for human consumption, and
 - (ii) any equipment from an approved undertaking which poses a threat to the health of the public;
- (b) require compliance by any person with the conditions imposed upon him by this Ordinance and by regulations or orders made under it;
- (c) inspect and check:
 - (i) any approved undertaking and equipment used by that undertaking,
 - (ii) works carried out at an approved undertaking,
 - (iii) any foodstuffs of animal origin which are produced in an approved undertaking and are intended to be placed on the market, and
 - (iv) any employees who carry out any work in an approved undertaking;
- (d) have access to and take copies or extracts of the records of an approved undertaking, whether these are in written or electronic form;
- (e) seize any foodstuffs of animal origin for so long as may be necessary to take a final decision regarding what shall be done with them;
- (f) seize any foodstuffs of animal origin which derive from areas of the European Union in relation to which there exists a ban on the import of foodstuffs to the Island of

Cyprus in accordance with a decision of the Commission or of the Council of the European Union for so long as may be necessary to take a final decision regarding what shall be done with them;

- (g) carry out any necessary sampling of foodstuffs of animal origin in accordance with regulations made under section 14, without the obligation to pay any fee and examine such samples at an official laboratory;
- (h) order the destruction of foodstuffs of animal origin which have been declared unfit for human consumption in accordance with regulations made under section 14;
- (i) require an interruption of work in an approved undertaking by means of a written notice for not more than a period of four days, on ascertaining that the conditions existing there constitute a serious contravention of the provisions of this Ordinance or of the regulations or orders made under it:

Provided that, where an operator during such period fails to comply with those provisions the contravention of which provided the reasons for the requirement for the interruption of work, the official veterinarian may require a second interruption period of not more than four days. If the operator fails to comply with such provisions by the end of the second interruption period, the official veterinarian shall recommend to the Chief Officer the suspension or revocation of the operating licence held by that operator:

Provided further that, an official veterinarian may modify the period of interruption of any work of an approved premises in accordance with any regulations made under section 14;

- (j) advise the Chief Officer whether or not to issue, suspend or revoke an operating licence;
- (k) issue appropriate certificates where necessary;
- (l) require the application of the HACCP system principles in an approved undertaking and supervise the operation of such systems;
- (m) require, by means of a written notice, the taking of any measure by an operator for the purpose of ensuring compliance with the provisions of this Ordinance and any of the regulations or orders made under it.

(3) The Chief Officer or official veterinarian may, for the effective and unimpeded application of the measures provided for in this Ordinance and the regulations and orders made under it, call upon and make use of the Police Force or other services of the Administration.

Right of
objection.

10. – (1) Any operator who is not satisfied with a decision which is taken in accordance with section 9(2)(a) or (h) may, subject to subsection (6), and on paying the relevant fee, submit an objection against that decision to the Chief Officer within twenty-four hours of the written notification of the decision to that operator:

Provided that, in reckoning a twenty-four hour period, a non-working day which follows the day of notification of the decision shall not be taken into account.

(2) An objection shall be examined without delay by a committee of three members composed of two official veterinarians appointed by the Chief Officer (other than the official veterinarian who issued the disputed decision) and by one veterinarian who shall be nominated by the person making the objection. The two official veterinarians who participate in the committee shall, if possible, be superior or equivalent in grade to the official veterinarian who issued the disputed decision.

(3) The committee may, if it deems it necessary, on examining the objection, carry out any examinations in addition to any other examinations which may have previously been carried out.

(4) The decision of the committee shall be taken by the majority of its members and shall be final and subject to immediate application.

(5) Where the Chief Officer decides to accept the objection, the fees paid for such objection shall be returned to the person who made the objection.

(6) There shall be no right to object where the disputed decision relates to foodstuffs of animal origin which pose a threat to the health of animals or the public, or where the weight of such foodstuffs is less than 10 kilogrammes.

11. –(1) The Chief Officer shall appoint a committee of three members composed of official veterinarians or veterinary inspectors (or both as the case may be) who shall be responsible for determining the method of destruction of foodstuffs confiscated in accordance with this Ordinance and any regulations or orders made under it and the carrying out of such destruction.

Destruction of foodstuffs.

(2) The destruction referred to in subsection (1) shall be carried out without delay by means of landfill, incineration, or by processing it in an establishment which deals with by-products not intended for human consumption.

12. Any person who-

- (a) contravenes or fails to comply with any provision of this Ordinance or of regulations and orders made under it; or
- (b) wilfully obstructs any official veterinarian or veterinary inspector during the exercise of the powers conferred on him under this Ordinance and the regulations and orders made under it; or
- (c) fails to comply with any instruction or order given to him by an official veterinarian or the Chief Officer in accordance with this Ordinance or any regulations and orders made under it,

Offences and penalties.

shall be guilty of an offence and shall be subject, on conviction, to imprisonment not exceeding six months or to a fine not exceeding £2,500, or to both such penalties. In the case of a second or subsequent conviction, those penalties may be doubled.

13. – (1) The Chief Officer may request the Commission to inform him of the results of any veterinary checks carried out by the Commission on foodstuffs of animal origin in any member state or third country.

Information from and co-operation with the Commission.

(2) To the extent required by any applicable Community measure, the Chief Officer shall co-operate with and accompany an expert veterinary surgeon of the Commission to any approved undertaking and shall provide such veterinary surgeon with any assistance he may require in order to fulfil his duties and, if so advised, shall put into place any measures required by the Commission.

Regulations.

14. – The Administrator may make regulations in respect of any matter which may be prescribed under this Ordinance and more generally for the purpose of applying this Ordinance more effectively and in particular, but without prejudice to the generality of the foregoing, may make regulations for all or any of the following purposes-

- (a) for providing for the standards required for the production, processing, transportation or storage of foodstuffs of animal origin carried on in approved undertakings;
- (b) for providing for the conditions of issue of an operating licence;
- (c) for providing for the hygiene conditions which shall be fulfilled when producing, processing, storing, transporting and placing on the market foodstuffs of animal origin;
- (d) for providing for the conditions for granting a permanent or temporary exemption from the provisions of this Ordinance to any undertaking in accordance with section 4;
- (e) for providing for the conditions and criteria for the prescribing of foodstuffs of animal origin as unfit for human consumption;
- (f) for providing for the procedures to be followed for the treatment of foodstuffs of animal origin which have been prescribed as unfit for human consumption;
- (g) for providing for the procedures that foodstuffs of animal origin or certain types of such foodstuffs must be subject to;
- (h) for providing for the detailed duties of official veterinarians and veterinary inspectors during inspections and checks carried out in accordance with this Ordinance;
- (i) for regulating inspections and checks carried out by official veterinarians at any undertaking at which foodstuffs of animal origin are produced, processed, stored, transported from and placed on the market;
- (j) for providing for the detailed duties of an operator in relation to any undertaking at which works subject to the application of this Ordinance are carried out;
- (k) for providing for the imposition of requirements in relation to the sampling, testing, labelling or examination of foodstuffs of animal origin which are intended to be placed on the market;
- (l) for prohibiting the carrying on of any specified activity or action in relation to the production, processing, storage, transportation or placement on the market of foodstuffs of animal origin in any manner other than with the authority of the Chief Officer;

- (m) for prescribing the form of the register of operators and approved undertakings to be maintained by the Chief Officer;
- (n) for providing that the carrying on of specified works in an approved undertaking may only be performed by persons who possess specified qualifications and experience;
- (o) for the controlling of persons employed in approved undertakings;
- (p) for providing for the qualifications which must be held by veterinary inspectors before being authorised by the Chief Officer to carry out any duties arising under this Ordinance or regulations made under it;
- (q) for providing for the conditions under which any imports from third countries of foodstuffs of animal origin may be permitted;
- (r) for prescribing rules as to the procedures to be implemented to comply with the most recent HACCP system principles;
- (s) for providing for the collection and use of any information obtained from veterinary inspections or veterinarian checks;
- (t) for providing for the fixing by an official veterinarian of a different period of interruption of the works of an approved premises than that provided for in section 9(2)(i).

15. This Ordinance shall come into force on such day as the Administrator shall appoint by a notification published in the Gazette.

Commencement.

SCHEDULE 1

(Section 5 (1))

FORM A

**THE ANIMAL FOODSTUFFS HYGIENE
ORDINANCE 2004**

Application for the issue of an operating licence

To: The Chief Officer

Headquarters, Sovereign Base Areas Administration

In accordance with Section 5(1) of the Animal Foodstuffs Hygiene Ordinance 2004 I hereby apply for an operating licence for my premises situated at:

.....

Name of operator:

Identity card/Passport No:.....

Telephone No:

I hereby attach the relevant building permit and its conditions of issue and the HACCP manual.

Date

Signature of Applicant

.....

.....

**SCHEDULE 2
(Section 5 (2))**

FORM B

HEADQUARTERS
SOVEREIGN BASE AREAS ADMINISTRATION

THE ANIMAL FOODSTUFFS HYGIENE
ORDINANCE 2004

OPERATING LICENCE

An operating licence for the premises listed below is hereby granted:

(the premises)

(the operator)

at the address

Number of Veterinary Approval

.....

Chief Officer

Date

No..... date Fee paid £ (.....)

1st March 2004
(128/252)

P. D. Draycott
Chief Officer.

