



**S U P P L E M E N T No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1420 of 7th August 2006**  
**L E G I S L A T I O N**

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**ORDINANCE 8 OF 2006**

**AN ORDINANCE**  
**TO AMEND THE EXPLOSIVE SUBSTANCES**  
**ORDINANCE 1954**

**R. H. LACEY**  
**ADMINISTRATOR**

*2nd June 2006.*

**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 Explosive Substances (Amendment) Ordinance 2006. Short title.

**2.** In this Ordinance—

“the principal Ordinance” means the Explosive Substances Ordinance. Cap 54 (Laws of Cyprus) as amended by Ordinances 8/70 and 9/84.

**3.** Section 2 of the principal Ordinance is amended by replacing the full stop at the end thereof with a semi colon and inserting immediately thereafter the following definitions: Section 2 of the principal Ordinance amended.

“raw material” means any substance other than an explosive substance which is used as a constituent part in the manufacture of explosive substances;

“firearm” means a firearm of every description and includes an air-gun, air pistol or any other kind of gun from which any shot, bullet or other missile can be discharged, and any part thereof, and includes any weapon of whatever description, designed or adapted for the discharge of any noxious liquid, gas or similar thing, but does not include any toy gun or firearm which is preserved for antiquarian interests and not for use.

“ammunition” means any shooting equipment of any nature;

“firework” means any explosive substance or mixture of explosives or other substances designed to produce a firework effect with heat, light, noise, gases or smoke or a combination thereof, as products of a non explosive, self-maintained chemical reaction”.

Section 4 of the principal ordinance replaced.

4. Section 4 of the principal Ordinance is replaced with the following new section:

“System of licensing.

4.—(1) The Inspector of Explosive Substances may, subject to the provisions of regulations made under this Ordinance, at his discretion grant to any person, under such terms and conditions as he considers appropriate, in relation to any explosive substances determined therein—

- (a) a licence to import explosive substances into the Areas, which shall be valid for an importation for a particular time period, and for those explosive substances to be stored in a storage for explosive substances for which a licence is valid in accordance with the provisions of paragraph (d) of this subsection;
- (b) a licence to manufacture explosive substances;
- (c) a licence to sell explosive substances;
- (d) a licence to store explosive substances;
- (e) a licence to transport and/or possess and/or use explosive substances in the Areas which may, in the judgement of the Inspector of Explosive Substances be issued for a determined period of use within the calendar year;
- (f) an approval to export explosive substances from the Areas which shall be valid for an exportation for a specified time period;
- (g) an approval of transit of explosive substance excluding ammunition and fireworks through the Areas, which shall be valid for transit for a specified time period.

(2) Save for the provisions of paragraphs (a), (e), (f) and (g) of subsection (1), any such licence shall be issued on or after the first of January of the year and shall expire on the thirty first of the December, following the date of issue.

Offences.

(3) Any holder of a licence or authorisation issued under this section must, upon a request of the Inspector for Explosive Substances or any police officer, produce the said licence or authorisation for control, and if he omits or refuses to do so, he shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty pounds (£50).

(4) Any person who—

- (a) imports or attempts to import;
- (b) manufactures or attempts to manufacture;
- (c) sells or stores, or attempts to sell or store;
- (d) transports or possesses;
- (e) exports or attempts to export;
- (f) transits or attempts to transit;
- (g) uses or attempts to use,

any explosive substance without possessing a licence or authorisation (the burden of proof lies on him), shall be guilty of an offence and liable upon conviction to imprisonment not exceeding ten years or a fine not exceeding one thousand and five hundred pounds or to both such penalties. Any explosive substance in relation to which there are reasonable suspicions that an offence has been committed under the provisions of this subsection may be confiscated by the Inspector of Explosive Substances and be destroyed with the consent of the owner, or confiscated in accordance with the provisions of section 12(1).

(5)— For the purposes of subsection (4) “possess” shall mean—

- (a) personally possesses;
- (b) knowingly having in the possession of some other person;
- (c) knowingly having at any place (which belongs to him or to any other person) for his use or benefit, or the use or benefit of any other person.
- (d) in the case of two or more persons, and where one or more than one of them, in the knowledge and consent of all the others has or have anything in his or their possession, it shall be considered to be in the possession of each and by all of them;

(6) Where an offence is committed in accordance with subsection (4), each one of the following persons shall be guilty of the offence, and may be charged and tried with having committed the offence and be punished accordingly, that is to say:

- (a) any person who actually does or omits to do an act which constitutes the offence;
- (b) any person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) any person who procures, aids or abets any other person to commit the offence;
- (d) any person who solicits, incites or endeavours to persuade any other person to commit the offence;
- (e) any person who does any act preparatory to the commission of the offence.

(7) The provisions of this section shall not apply to—

- (a) ammunition not exceeding two thousand rounds for airguns, air rifles or air pistols stored at any time in any premises by any person for his personal use, and who is a holder of a registration certificate in relation to an airgun, air rifle or air pistol

Ordinance 10/74  
as amended by  
Ordinances  
3/78, 2/89, 13/92,  
6/94, 13/95 and  
41/03.

- (b) ammunition not exceeding fifty rounds for revolvers or pistols stored at any time in any premises by any person for his personal use, who is a holder of a registration certificate for a revolver or pistol and is a holder of a special licence to possess such revolver or pistol, granted under the Firearms Ordinance;
- (c) cartridges not exceeding one thousand rounds (or instead of such cartridges one thousand grams of gun powder and one thousand primers) or upon a special authorisation in writing of the Inspector for Explosive Substances not exceeding three thousand rounds, stored at any time in any premises by any person for his personal use, who-
  - (i) is a holder of a registration certificate and a registration licence in relation to a firearm and a holder of a firearm licence which is valid on the date of storage;
  - (ii) is a holder of a firearms licence which is valid on the date of storage for a firearm in relation to which a registration certificate and possession licence have been issued for the benefit of any other person under the provisions of the Firearms Ordinance.

(8) The provisions of paragraph (c), (d) and (e) of subsection (1) shall not apply in the case of retailers or final users of cartridge tools in manufacturing-

- (a) where they obtain them from a holder of a sales licence in accordance with the provisions of subsection (1); and
- (b) where they obtain them in quantities not exceeding ten thousand pieces.

(9) Notwithstanding the provisions of this Section if the Legal Adviser has certified in writing under his hand that the offence is one that does not seriously affect security or public order in the Areas a person charged with any offence under this Section may be tried summarily and shall be liable, on conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding one thousand pounds or to both such imprisonment and fine.”.

Section 4(A)  
inserted.

5. The principal law is amended by inserting immediately after section 4 thereof, the following new sections:

“ Raw materials  
in the  
manufacture  
of explosives

**4A.—**(1) Save for the provisions of subsection (2) and (3), raw materials intended to be used or which are used in the manufacture of explosive substances shall be subject to the provisions of this Ordinance and the regulations made under section 13.

(2)(a) The Inspector of Explosive Substances may establish a list of raw materials specifying those raw materials for which it is not required to grant a licence, within the meaning of subsection (1);

(b) The above list shall be published by means of a notification of the Inspector of Explosive Substances, in the official gazette of the Areas.

(3) The provisions of subsection (1) shall not apply—

(a) to holders of a licence to manufacture hunting cartridges, in relation to raw materials for the production of hunting and competition cartridges excluding-

(i) pellets of bullets;

(ii) hunting and competition shot pellets;

(iii) air gun shot pellets.

(b) Save for the provisions of section 7, in the case of holders of a licence to manufacture hunting and competition cartridges, or the holders of a licence to manufacture hunting shot pellets and competition cartridges, in relation to hunting lead shot pellets and competition cartridges the size of which does not exceed 4,75 mm.

(4) Any person who disposes of, sells, or uses raw materials for which a licence has been issued in accordance with the provisions of subsection (1) for a purpose other than the manufacture of explosive substances shall be guilty of an offence and liable upon conviction to a fine not exceeding one thousand pounds.

**4B.—**(1) The Inspector for Explosive Substances may establish a list of fireworks classifying fireworks into categories depending on the power, use and/or other characteristics or parameters.

(2) The Inspector of Explosive Substances may determine in the list of fireworks, those fireworks-

(a) for which no licence is required in accordance with the provisions of section 4;

(b) which are excluded from the provisions of the regulations made under this Ordinance.

(3) The list provided for in subsection (1) shall be published by means of a notification of the Inspector for Explosive Substances, in the official gazette.”.

**6.** Subsection (1) of section 7 of the principal law shall be amended by replacing the words “the size known as SSG” (fifth line) with “four point seven-five millimetres (4, 75 mm)”.

**7.** Section 8 of the principal Ordinance is amended by replacing the words “of the size known as SSG” (third and fourth lines) with “four point seven-five millimetres (4,75 mm)”.

**8.** Subsection (1) of section 13 of the principal law is amended:

(a) by inserting in paragraph (b), immediately after the word “importation”, a comma and the words “exportation and transit”; and

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

“(q) the revocation, or amendment of licences or authorisations issued under this law;

(u) the adoption of other provisions in relation to explosive substances, laws or regulation which directly or indirectly affect the grant of licences under the provisions of this Law.”

*2nd June 2006*

(SBA/AG /2/CR/178)

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P. D. Draycott

Chief Officer.

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