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TO
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LEGISLATION

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EXPORT OF CURRENCY (RESTRICTIVE MEASURES) (NO. 5) ORDINANCE 2013

An Ordinance to modify restrictions on the export of currency and for related purposes

R. J. CRIPWELL
ADMINISTRATOR

10th July 2013.

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

1. Short title

This Ordinance may be cited as the Export of Currency (Restrictive Measures) (No. 5) Ordinance 2013.

2. Commencement and expiry

- (1) This Ordinance comes into force on the day after its publication in the Gazette.
- (2) Subject to subsection (3), this Ordinance expires at the end of 31 July 2013.
- (3) The Chief Officer may, by order made as a public instrument,—
 - (a) repeal this Ordinance before it expires; or
 - (b) declare that this Ordinance should continue in force beyond 31 July 2013 and expire on a later date specified in the order.
- (4) The power in subsection (3)(b) may be exercised on more than 1 occasion.
- (5) The Chief Officer may in writing authorise a public officer to exercise the powers in subsection (3).

3. Interpretation

In this Ordinance—

“civilian component” has the meaning given in Section 1(1)(b) of Annex C to the Treaty of Establishment;

“crossing point” has the meaning given in section 2(1) of the Customs Ordinance 2005(a);

“customs airport” has the meaning given in section 2(1) of the Customs Ordinance 2005**(b)**;

“customs port” has the meaning given in section 2(1) of the Customs Ordinance 2005**(c)**;

“entitled person” means—

- (a) a member of the armed forces of the United Kingdom who is posted or attached to or is on an official visit to any unit stationed in the Island of Cyprus or is in the Island in the course of transit on an official movement order;
- (b) a member of the civilian component in relation to the armed forces of the United Kingdom or an authorised service organisation;
- (c) a person (other than a Cypriot) in the service of or engaged in duties on behalf of a United Kingdom authority duly authorised and identified as such by a United Kingdom authority;
- (d) the spouse, the civil partner or a person wholly or mainly maintained by or in the custody or charge of a person referred to in paragraph (a), (b) or (c);

“government-controlled areas” means the areas of the Republic under the effective control of the government of the Republic;

“United Kingdom authority” has the meaning given in paragraph 1(c) of Part I of Annex B to the Treaty of Establishment.

4. Application

This Ordinance does not apply to—

- (a) the Crown (in any capacity);
- (b) an authorised service organisation.

5. Export of banknotes

- (1) Subject to subsections (2) to (7), a person must not export notes (whether euro notes or notes denominated in any other currency) from the Areas.
- (2) Subsection (1) does not apply to—
 - (a) the export of notes to the government-controlled areas;
 - (b) the export of notes by a member of a diplomatic mission to the Republic.
- (3) Subject to subsection (5), an entitled person leaving the Areas via a crossing point may export notes with a total value not exceeding €500 per day.
- (4) Subject to subsection (5), a person other than an entitled person leaving the Areas via a crossing point may—
 - (a) if the person is resident in the Areas or the Republic, export notes with a total value not exceeding €300 per day;
 - (b) if the person is not resident in the Areas or the Republic, export notes with a total value not exceeding €500 per day.
- (5) A person leaving the Areas via a crossing point who—
 - (a) is resident in the areas of the Republic not under the effective control of the government of the Republic; and
 - (b) is in employment in the Areas or in the government-controlled areas; and
 - (c) has notes paid, or derived from a payment, to the person in respect of income from that employment,may, on production to a customs officer of documentary evidence of the matters in paragraphs (a) to (c), export those notes.
- (6) Subject to subsection (7), a person leaving the Areas via a customs airport or a customs port may—
 - (a) export notes with a total value not exceeding €3,000; or
 - (b) in the case of an entitled person who has a written permit issued by the Fiscal Officer, export notes with a total value exceeding €3,000 but not exceeding the amount stated in the permit.

- (7) A person leaving the Areas via a customs airport who—
- (a) arrived in the Areas at a customs airport not more than 7 days previously; and
 - (b) on arrival made a declaration to a customs officer in a form prescribed by the Fiscal Officer of the value of any notes being imported by the person into the Areas,
- may export notes with a total value not exceeding €3,000 and the value of any notes declared and imported under paragraph (b).
- (8) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding twice the value of the notes exported (or sought to be exported) in contravention of subsection (1) or to imprisonment for a term not exceeding 5 years or to both.
- (9) The Chief Officer may, by order made as a public instrument, amend this Ordinance to increase the monetary amounts set out in subsections (3), (4), (6) and (7).
- (10) The Chief Officer may, in writing, authorise a public officer to exercise the power in subsection (9).

6. Application of Customs Ordinance 2005

This Ordinance must be treated as customs legislation for the purposes of the Customs Ordinance 2005 and—

- (a) a reference in that Ordinance to articles or goods must, for the purposes of this section, be treated as including a reference to notes;
- (b) the Fiscal Officer has the same powers to compound proceedings for an offence under this Ordinance as under that Ordinance.

7. Repeal, etc

- (1) The Export of Currency (Restrictive Measures) (No. 4) Ordinance 2013(**d**) is repealed.
- (2) The following public instruments are revoked—
- (a) the Export of Currency (Restrictive Measures) (Increase of Monetary Amounts and Continuation) Order 2013(**e**);
 - (b) the Export of Currency (Restrictive Measures) (Continuation) (No. 5) Order 2013(**f**).

Notes

- (a) Ordinance 16/05. See the Customs (Designation of Crossing Points) Order 2009 (Public instrument 18/09).
- (b) See the Customs (Designation of Customs Ports and Airports) Order 2009 (Public instrument 17/09).
- (c) See the Customs (Designation of Customs Ports and Airports) Order 2009.
- (d) Ordinance 15/13.
- (e) Public instrument 15/13.
- (f) Public instrument 25/13.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Export of Currency (Restrictive Measures) (No. 5) Ordinance 2013 (the “Ordinance”). It has been prepared by the Office of the Attorney-General and Legal Adviser in order to assist the reader of the Ordinance.

2. The Ordinance continues, with a minor modification, the restrictions on exporting currency from the Areas. The Ordinance reflects restrictive measures imposed in the Republic under Law 12(I) of 2013 of the Republic.

3. Section 5 of the Ordinance prohibits, subject to the following exceptions, the export of banknotes from the Areas other than to those areas of the Republic under the effective control of the government of the Republic:

- a person leaving the Areas via the Pergamos or Strovilia crossing points may take banknotes worth up to €300 per day (residents of the Areas or the Republic) or €500 per day (non-residents and entitled persons (as defined));
- residents of the areas of the Republic not under the effective control of the government of the Republic leaving the Areas via the Pergamos or Strovilia crossing points may take banknotes derived from employment in the Areas or in the areas of the Republic under the effective control of the government of the Republic;
- a person leaving the Areas by a customs airport (i.e., RAF Akrotiri) or a customs port (as defined) may take banknotes worth up to €3,000 or, if an entitled person, banknotes of an unlimited amount in accordance with a permit issued by the Fiscal Officer;
- a person who arrives at RAF Akrotiri and makes a declaration to a customs officer of the value of any banknotes imported may, on leaving the Areas from RAF Akrotiri not more than 7 days later, take banknotes worth up to €3,000 plus the value of banknotes previously imported and declared.

4. The prohibition does not apply to the Crown, associated service organisations or members of diplomatic missions to the Republic.

5. Section 6 provides that the Ordinance is to be treated as customs legislation for the purposes of the Customs Ordinance 2005. This means, for example, that banknotes being exported in breach of the Ordinance may be seized under section 95 of the Customs Ordinance 2005.

6. The Ordinance repeals the Export of Currency (Restrictive Measures) (No. 4) Ordinance 2013 and two public instruments made under it (section 7).

7. The Ordinance expires at the end of 31 July 2013 (section 2). The Chief Officer may repeal the Ordinance before it expires or declare that it should continue in force beyond that date.

(SBA/AG/2/CG/618)