

SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 3230 of 23rd FEBRUARY, 1946. SUBSIDIARY LEGISLATION.

No. 64.

of a

THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS) ACT, 1945.

ORDER MADE BY THE ACTING GOVERNOR.

R. E. TURNBULL,

Acting Governor.

I, the Acting Governor, in exercise of the powers conferred on the Gazette: Governor by the Supplies and Services (Transitional Powers) Act, 1945, Supplement as extended to the Colony by the Supplies and Services (Transitional No. 24: Powers) (Colonies, etc.) Order in Council, 1946, (hereinafter referred to 7.2.1946. as "the Act"), do hereby make the following order:—

1. This Order may be cited as the Supplies and Services (Transitional Short title. Powers) (Cyprus) Order, 1946.

2. In this Order—

Definitions.

"Defence Regulation" means a Regulation made by the Governor under the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1942;

"prescribed purpose" means any of the purposes set out in

sub-section (1) of section 1 of the Act.

3. The Defence Regulations in the First Schedule hereto, the full text whereof, as adapted for the purposes of this Order, is set out in such Schedule, shall have effect by virtue of the Act.

4. The Defence Regulations mentioned in the Second Schedule hereto,

zahall have effect by virtue of the Act:

Provided that whenever in any such Regulation reference is made to— (a) any of the purposes specified in section 1 (1) of the Emergency Powers (Defence) Act, 1939, the words shall be read as referring

to a prescribed purpose;

(b) any regulation under the Emergency Powers (Cyprus Defence) Regulations, 1939, or any amendment thereof, the words shall be read as referring to the corresponding regulation as set out in the First Schedule hereto, having effect by virtue of the Act.

5. This Order shall come into operation on the 24th day of February, H 1946.

FIRST SCHEDULE.

Text of Defence Regulations.

Interpretation.

31 of 1933

19 of 1942

2.—(1) For the purpose of these regulations, unless the context otherwise requires—

"aircraft" has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;

"ammunition" means ammunition for any firearm as defined in the Firearms Laws, 1933 to 1942, and includes grenades, bombs and other like missiles, whether capable of use with such a firearm or not:

"Dominion" means a Dominion within the meaning of the Statute of Westminster, 1931, and includes any territory administered by His Majesty's Government in such a Dominion;

Dominion ship or aircraft" means a British ship or aircraft registered in any Dominion other than Newfoundland, or in India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of His Majesty's Government in the United Kingdom, and "Dominion ship" and "Dominion aircraft" shall be construed accordingly;

"explosive" has the same meaning as "explosive substance."

in the Explosive Substances Law, 1939;

"land "includes—

(a) land covered with water;

(b) buildings, houses and other erections, or parts thereof

(c) standing trees or timber or growing crops or grass;

"officer of police" means a police officer of or above the rank of sergeant;

"photographs" includes any photographic plates, photographic films or other sensitized articles which have been exposed in a

camera, whether they have been developed or not;
"requisition" means in relation to any property.

"requisition" means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

"seaplane" includes a flying boat and any other aircraft designed

to manœuvre on the water;

"ship" and "vessel" have respectively the same meanings as in the Merchant Shipping Act, 1894, but shall not include a ship or

vessel belonging to His Majesty;

"United Kingdom ship or aircraft" means a ship or aircraft registered in the United Kingdom, and includes any ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom;

" war offence " means—

(a) treason, in so far as it consists in adhering to the King's enemies, giving them aid and comfort;

(b) an offence of trading with the enemy;

(c) an offence under any of the provisions of the Official Secrets Acts, 1911 and 1920;

(d) an offence against any of these regulations;

(e) an offence against any Order in Council or order made under Part I or section 7 of the Air Navigation Act 1920 and 1936;

(f) attempting or conspiring to commit, or aiding, abetting counselling or procuring the commission of, or being accessory to, any offences specified in paragraphs (a) to (e) of this definition;

20 of 1939

(2) Any reference in these regulations to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(3) The Interpretation Law, 1935, shall apply to the interpretation 26 of 1935. of these regulations, and of any orders or rules made thereunder, as it applies to the interpretation of a law, and these regulations and such orders and rules as aforesaid shall, for the purposes of the said Law,

be deemed to be laws.

(4) Any reference in any document to these regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these regulations or to that regulation, as amended by any subsequent regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, (Colonial Defence) (Amendment) Order in Council, 1940, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1942.

(5) The Public Bodies and Public Offices (Appointments) Law, 1937, 23 of 1937. shall not apply to any appointments or nominations made for the purposes

of any of these regulations.

3.-(1) The Competent Authority shall be the person appointed Competent . by the Governor in writing for the purposes of all or any of the regulations Authority. in which such expression occurs, and any person so appointed is in these

, regulations referred to as the Competent Authority. (2) Where the holder of a designated office has been appointed to be the Competent Authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person

for the time being performing the duties of the office designated.

4. An "authorized officer" means any officer of police, and also Authorized for the purposes of regulations 45, 47, 84 and 88, a person holding a officer. commission in any of His Majesty's Forces.

45.—(1) The Governor may by order make provision as to the places General in or to which vessels may be or go, and generally for regulating the control of movements, navigation, pilotage, anchorage, mooring, berthing and navigation. lighting of vessels within the harbours and territorial waters of the Colony and any order made under this regulation is hereafter in these regulations referred to as "a navigation order."

(2) If, in the case of any vessel, a navigation order is contravened or not complied with, the master of the vessel shall be guilty of an offence.

(3) An authorized officer may, in relation to any vessel, take such steps, and use such force, as may appear to such officer to be reasonably necessary for securing compliance with any order under this regulation relating to the vessel, or, where an offence against this regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(4) This regulation shall apply in relation to scaplanes on the surface of the water as those provisions apply in relation to vessels, and seaplanes taking off from, or alighting on, the water shall be deemed, for the purpose of this regulation, to be on the surface of the water while in contact

therewith.

(5) The Governor may, by order, if it appears to him expedient so to do, Helegate to any person, subject to such limitations and directions as he may in such order provide, any of the powers conferred upon him by the preceding provisions of this regulation,

Control of trade by sea.

47.—(1) Without prejudice to any navigation order, the Governor. with a view to securing that ships registered in the Colony are used in such a manner only as may be considered expedient for any prescribed purpose, may by order provide that a ship registered in the Colony shal not proceed to sea from any port whether within or outside the Colony except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to-

(a) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship,

(b) the class of cargoes or passengers which may be carried in the ship, and (c) the hiring of the ship, and the terms upon which cargoes or

passengers may be carried in the ship, and may also contain provisions for requiring any ship in respect to which such a licence is in force to comply with any directions given by

such authority or person as may be specified in the order as to the ports to which the ship is to proceed for any particular purposes. Any provision of an order under this paragraph may be framed so as to apply to any specified class of ship registered in the Colony and so as to apply to any such ships either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order.

- (2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty
- (3) An authorized officer may, in relation to any ship, take such steps, and use such force, as may appear to such officer to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Enforcement of agreements to join ships.

to as "a mariner") has, by an agreement entered into outside the Colony and made in accordance with the next following paragraph, undertaken to join such ship as may be specified in, or in pursuance of, the agreement, being a ship to which this regulation applies, and to serve on board that ship in a capacity specified in the agreement, he shall be guilty of an offence against this regulation if, whilst in the Colony, without reasonable cause, he refuses or fails-

52A.—(1) Where a person (hereinafter in this regulation referred

(a) to present himself at any place at the time at which, or to the person to whom, he is required by or in pursuance of th: agreement to present himself; or (b) to travel by any ship or other conveyance by which he is so

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- required to travel; or (c) to join and serve on board a ship as so required.
- (2) Every such agreement—
- (a) shall be in a form approved by the competent authority at the place at which the agreement is made,
- (b) shall be signed by the mariner in the presence of a superintendent within the meaning of the Merchant Shipping Act, 1894;

and the signature of the mariner shall be attested by the superintendent

(3) The ships to which this regulation applies are ships belonging to His Majesty and ships, whether British or foreign, chartered or re-

quisitioned by or on behalf of His Majesty. (4) In any proceedings for an offence against this regulation a certificate of the Competent Authority that-

(a) the agreement complies with the requirements of paragraph (2) of this regulation;

(b) at a particular time a ship was one to which this regulation applies,

shall be evidence of the facts so certified.

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52B.—(1) The Competent Authority or a person authorized by the Power to authority to act under this regulation may direct any British subject, formance of being a person who is serving or has served in any capacity on board services in any ship since the 28th April, 1941, to perform such services in any ships.

United Kingdom ship, as may be specified by or described in the direction, being services which that person is, in the opinion of the Competent Authority or person authorized as aforesaid, capable of

performing. (2) Any such direction shall, except so far as the contrary intention appears therefrom, continue in force until the direction is varied by a subsequent direction or withdrawn by the Competent Authority or a

person authorized as aforesaid. (3) Any services required by a direction given under this regulation to be performed shall be performed on such terms as to remuneration and conditions of service as the Competent Authority or a person authorized as aforesaid may, in accordance with the provisions of this regulation, direct:

Provided that in determining the terms upon which any such services are to be performed regard shall be had to any rates of salary, fees or wages for the performance of those services which appear to be usual, with regard to persons employed in the capacity in which the person to whom the direction relates is to serve.

(4) Section 240 of the Merchant Shipping Act, 1894, shall have effect as if there were included among the matters to be entered in the official log-book the following matters, so far as they are known to the master of the ship:

(a) the name of every person to whom a direction has been given under this regulation to perform services as a member of the

crew of that ship; (b) the date on which and the place at which he joined the ship, or,

if he failed to join the ship, the circumstances of his failure; (c) if he fails in any other respect to comply with the direction,

particulars of his failure. (5) No British subject who has been the master or a member of the

crew of any ship at any time since the 28th April, 1941, shall, except with the consent of the Competent Authority or a person authorized by the authority to act under this regulation, accept any employment (other than an employment under a contract in operation at the date of this regulation) except as the master or a member of the crew of a United Kingdom ship.

55 .- (1) Without prejudice to any other of these regulations, the Traffic on Governor may by order provide for the regulation of traffic on highways, highways. and, without prejudice to the generality of the power aforesaid, any such

order may in particular provide-(a) for determining the foutes to be followed by any particular class of vehicles proceeding on high ways, either generally or in such circumstances as may be determined by or in accordance with

the order;

(b) for prohibiting or regulating the use of vehicles or any class of h vehicles on highways or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be so specified:

(c) for controlling or regulating the charges to be made for the carriage of passengers or goods in any vehicle or any class of

vehicles;

and may be made so as to apply either generally or to any specified area, and may make different provision for different parts of the area to which t the order applies.

(2) The Governor may by order, if it appears to him expedient so to do, delegate to any person, subject to such limitations and conditions as he may in such order provide, any of the powers conferred upon him by the provisions of paragraph (1) hereof.

Handling conveyance of ammunition, etc., in ports.

59.—(1) No restriction imposed by any law in relation to any port in the Colony shall apply—

(a) to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty or under instructions given by the Governor, or

(b) to the conveyance of ammunition, explosives or inflammable

substances in any vessel for any prescribed purpose; but the Governor may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances as aforesaid in any such area.

(2) Any reference in this regulation to shipping or to unshipping shall be construed as including a reference to putting on board scaplanes or to

unloading from seaplanes, as the case may be.

Power to stop and search vehicles.

- 60.—(1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any police constable in uniform or by any member of His Majesty's Forces being in uniform and on duty.
 - (2) If—

(a) as respects any road vehicle being on a public highway or in a place to which the public have access, or

(b) upon the overtaking of a road vehicle on any occasion on which the person driving, or in control of, the vehicle has been lawfully required to stop it but has failed to do so,

any police constable or member of His Majesty's Forces has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of a war offence, he may search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

(3) In this regulation the expression "road vehicle" means any

vehicle designed or adapted for use on roads.

General control of industry.

61.—(1) The Competent Authority, so far as appears to that authority to be necessary for any prescribed purpose, may by order provide-

(a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, n use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold and the charges which may be made for the hire of such articles and for labour, services or goods provided in connection with the hire thereof and for regulating or prohibiting the slaughter of animals;

(aa) for regulating or prohibiting the opening and closing of any premises or place wherein or whereon any foodstuffs are sold, whether by wholesale or by retail, or are made or prepared for

sale;

(ab) for licensing any person to deal, sell, have in his possession or under his control any articles of any description;

(ac) for prohibiting gambling for stakes consisting of articles of any

description;

(b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing

of any work by them;

(c) for requiring persons carrying on, or employed in connection with, any trade or business specified in the order to produce to such authority or person as may be so specified any books, accounts or other documents relating to that trade or business, and for requiring any persons to furnish to such authority or person as may be specified in the order such estimates or returns as the Competent Authority may require;

(d) for any incidental and supplementary matters for which the Competent Authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates by persons authorized in that behalf by the Competent Authority, with a

view to securing compliance with the order;

and an order under this regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either throughout the Colony or in any particular area therein.

(2) Where the right to make charges in connection with the carrying on of any undertaking with respect to which an order may be made under this regulation is limited by law, any order so made in relation to that undertaking may authorize the undertakers to make in that connection charges in excess of, or in addition to, those which they would otherwise

be authorized to make.

(3) If it appears to the Competent Authority that it is necessary, for any prescribed purpose, to take control of the whole or any part of an existing undertaking, and that, for the purpose of exercising such control, it is expedient that the undertaking or part should be carried on in pursuance of an order made under this paragraph, the Competent Authority may by order authorize any person, (hereinafter referred to as "an authorized controller"), to exercise with respect to the undertaking or any part thereof specified in the order, such functions of control as may be provided by the order; and so long as an order made under this paragraph is in force with respect to any undertaking or part of an undertaking—

(a) the authorized controller shall exercise his functions in accordance with any instructions given to him by the Competent Authority, so, however, that he shall not have power to give any directions inconsistent with the provisions of any Law or other instrument

determining the functions of the undertakers except in so f as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance wi any directions given by the authorized controller in accordan with the provisions of the order, and any person having an functions of management in relation to the undertaking or pa shall comply with any such directions.

(4) If any person refuses to sell any article the sale whereof regulated by any order issued by the Competent Authority under su paragraph (1) (a) hereof such person may (without prejudice to at proceedings which may be taken in respect of the offence) be require by the Competent Authority to sell such article on the terms and subject to the conditions upon which the sale thereof is authorized or regulate by such order, and to deliver such article to the Competent Authorit or any person named by the Competent Authority in that behalf,

(5) Where reasonable suspicion exists that a person has committee a breach of any order issued under paragraph (1) (a) hereof fixing specifi maximum or minimum prices or regulating the quantity of any articl that any person may have in his possession, all other articles of the sam kind as that in respect of which such reasonable suspicion exists in th possession of the offender, may be seized by any officer of police or by an person appointed by the Competent Authority in that behalf and may b forfeited to the Competent Authority by order of a Court by which any offender is convicted of any such offence.

(6) The Competent Authority may, by order, if it appears to him expedient so to do, delegate to any person, subject to such limitations and directions as he may in such order provide, any of the powers conferred

upon him by the provisions of paragraphs (1) and (4) hereof.

(7) Whenever any agent or servant in the course of his employment does or omits to do an act, the doing of which or omission to do which by his employer would be an offence against this regulation, such agent or servant shall be guilty of that offence, and his employer, and any person who at the time of the act or omission was in charge of the premises or business at or in respect of which the act or omission occurred, shall also be guilty of that offence unless such employer or other person, as the case may be, proves to the satisfaction of the Court that he took all reasonable means and precautions to prevent such act or omission.

(8) In this regulation-

(a) the expression "essential work" means work appearing to the Competent Authority to be essential for any prescribed purpose;

(b) the expression "undertaking" means any public utility undertaking or any industrial or commercial enterprise, and the expression "undertakers," in relation to any such enterprise, means the person by whom it is carried on;

(c) the expression "foodstuffs" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food or flavouring matters or condiments;

and any reference in this regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

(9) Any order made under paragraph (1) (ab) of this regulation may, in addition to any other penalty provided by these regulations, make provision, in the case of a contravention of the provisions of such order or the terms of a licence issued thereunder, for the vesting in such person as the order may direct of any articles to which such order relates which are in the possession or control of the person convicted of any such contravention and for the payment to such person of such sum in respect of such articles as such person would be entitled to receive on a sale thereof under

any order in force for the time being relating to the maximum price at which such articles may be sold or, if no such order has been made, for the payment to such person of an amount which the Commissioner of the District is satisfied represents a fair market price for such articles, less a percentage, in either case, not exceeding twenty per centum.

(9A) On a prosecution of a person for a contravention of any of the provisions of any order fixing or regulating the price at which any articles may be sold or purchased, when the sale or purchase and the price at which it was made have been proved, then it shall lie on the accused to prove that the price at which the sale or purchase in question was made did

not exceed the price fixed or regulated by any such order.

(10) Any person who contravenes or fails to comply with any order made under paragraph (1) (a) of this regulation regulating or prohibiting the keeping, storage or sale of articles of any description, or controlling the prices at which such articles may be sold shall be guilty of an offence and shall be tried by the President of a District Court or a District Judge and on conviction shall be liable, notwithstanding anything in any order contained, to imprisonment for any term not exceeding seven years or to a fine not exceeding five hundred pounds or to both such imprisonment and fine.

61A .- (1) A Competent Authority, so far as appears to that authority Powers of to be necessary so to do for any prescribed purpose, may, by direction competent given with respect to any undertaking or by order made with respect to any class or description of undertakings, require persons carrying books, on the undertaking or undertakings of that class or description-

(a) to keep such books, accounts and records relating to the under- of returns, taking as may be prescribed by the direction or, as the case may be, by the order or a notice served thereunder;

(b) to furnish, at such times, in such manner and in such form as may be so prescribed, such estimates, returns or information relating to the undertaking as may be so prescribed.

A Competent Authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under this paragraph to any specified persons or class of persons.

(2): Where it appears to a designated officer that, for any prescribed purpose, it is necessary to authorize the inspection of any undertaking or class or description of undertakings—

(a) for the purpose of enabling a Competent Authority to exercise if myany of the powers conferred on the authority by or under any I wof these regulations, or to determine whether, and if so in what ranner, any of those powers ought to be exercised; or

the purpose of securing compliance with any order made or direction given under these regulations by or on behalf of a Competent Authority; or

(c) for the purpose of verifying any information furnished to a Competent Authority; or

(d) for the purpose of securing that the work carried on by the undertaking or undertakings is performed in such manner as a Competent Authority considers best in the interests of any **prescribed** purpose;

may issue a warrant in writing to any person named in the warrant einafter referred to as an "inspector") authorizing him to enter and v out an inspection of the undertaking, or any undertaking of the

or description, specified therein.

(3) An inspector may, on production of the warrant issued to him, fer any premises used or appropriated for the purposes of any under-Bing to which the warrant relates, and may inspect such premises

authoritiesas to keeping of making entry and inspection.

and any articles found therein, and may require any person carrying on the undertaking or employed in connection therewith to produc such books, accounts or records, and to furnish such information, relating to the undertaking, as may be authorized by the warrant, and may tal such samples and carry out such tests as may be so authorized.

(4) An inspector may make such copies of, or extracts from, an documents produced to him as he considers necessary for the informatio

of the Competent Authority.

(5) In this regulation the following expressions have the meaning

hereby respectively assigned to them:—
"Competent Authority" means a Competent Authority for the purposes of regulation 61 of these regulations (and, in para graphs (2) and (4) of this regulation, references to a Competen Authority include also any authority or person on whom by virtu of these regulations powers have been conferred by delegation from or order of any such Competent Authority as aforesaid);

"designated officer" means a person empowered under the hanc of the Governor to act under paragraph (2) of this regulation or

behalf of a Competent Authority;

"undertaking" has the same meaning as in regulation 61 (8 of these regulations;

and any reference in this regulation to articles shall be construed as including a reference to substances, vehicles, vessels and animals.

Power to do work on

62.—(1) Any member of His Majesty's Forces acting in the course of his duty as such, and any person authorized by the Competent Authority to act under this regulation, may, for any prescribed purpose, do any work on any land or place anything in, on or over any land.

(2) The Competent Authority, if it appears to that authority to be necessary or expedient so to do for any prescribed purpose, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a servant of His Majesty or police constable acting in the course of his duty as such) shall, except with periodistion granted by or on behalf of the Competent Authority, remove alterior tamper with any work done, or thing placed, in, on or over any land in pursuance of this regulation. irpoge, it is

(4) For the purpose of this regulation, the doing of work chall in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolshed or pulled down in pursuance of this regulation. (b) for the

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Taking possession of land.

63.—(1) The Competent Authority, if it appears to that authority to be necessary or expedient so to do for any prescribed purpose, or for any other purpose that the Governor may approve, may take possession of any land, and may give such directions as appear to the Competent Authority to be necessary or expedient in connection with the taking of possession of the land.

(2) While any land is in the possession of the Competent Authority by virtue of this regulation, the land may, notwithstanding any restrictive imposed on the use thereof (whether by any law or other instrum or otherwise), be used by, or under the authority of, the Compe Authority for such purpose, and in such manner, as that authority thin expedient for any prescribed purpose, or for any other purpose that the Governor may approve; and the Competent Authority, so far as appears

him to be necessary or expedient in connection with the taking of ssion or use of the land in pursuance of this paragraph, a) may do, or authorize persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that

(b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest

3) The owner or occupier of any land shall, if requested by or on alf of the Competent Authority so to do, furnish to such authority or son as may be specified in the request such information in his possession ting to the land (being information which may reasonably be dended of him in connection with the execution of this regulation) as

J be so specified. 64. Without prejudice to any other of these regulations, the Governor Use of land ay by order authorize, subject to any restrictions and conditions imposed for purposes of H M the order, the use of any land specified therein for military purposes, Forces. or air force purposes or for any of the purposes of His Majesty's Navy, the case may be, during such period as may be specified in the order; ad any such order may, so far as appears to the Governor to be necessary expedient for the purposes thereof, provide-

(a) for entitling persons using an land in pursuance of the order to do such acts in relation to th. land as may be specified in the

(b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in such land or otherwise.

65 Any member of His Majesty's Forces acting in the course of his Entry and lutyes such, and any person authorized by the Competent Authority to inspection (a) may enter on any land for the purpose of exercising any of the act under this regulation,-

powers conferred in relation to that land by regulations 62, (b) may enter and inspect any land for the purpose of determining

whether, and, if so, in what manner, any of those powers are to be

ib exercised in relation to the land, and (6), may, for any prescribed purpose, pass (with or without animals or vehicles) over any land.

366. (1) Subject as hereinafter provided, the Governor, if it appears Requisitioning of to himito be necessary or expedient so to do for any prescribed purpose,

may by order provide for the requisitioning ofany chattel in the Colony (including any vessel or aircraft and land. anything on board a vessel or aircraft and, in the case of any mechanically propelled vehicle, including any outer cover or inner tube of any such vehicle whether such cover or tube is used or unused and whether it is fitted on, or forms a component

part of, any such vehicle or not); and (b) any ship or aircraft registered in the Colony anyth on board such ship or aircraft wherever the in a say be y or or openalf of

and may give such directions as appear to him to be norder s n books, in connection with the requisition:

Provided that the preceding provisions of this regulation shall authorize the requisitioning of any United Kingdom or Dominion or aircraft or of any hing on board a United Kingdom or Dominior in

(2) Where the Governor requisitions any property (including a or aircraft) under this regulation, he may use or deal with, or autithe use of or dealing with, the property for such purpose and in manner as he thinks expedient for any prescribed purpose, and may or sell or otherwise dispose of, the property as if he were the owner the

(3) The Governor, if it appears to him to be necessary for the effe exercise of his powers under paragraph (1) of this regulation so to do may, by order made as respects the whole of the Colony or any par-

(a) direct that no person who, at the time when the order ake effect, has in his possession or under his control, at any pre nise in the area to which the order relates, any such articles as m y be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority of person as may be specified in the order;

(b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) An order under this regulation may authorize any person, or any class of persons, to perform such functions in connection with the requisitioning, and may contain such directions, as appear to the Governor

(4A)—(i) The Governor, if it appears to him to be necessary of expedient so to do, may, prior to the making of any order under this regulation in relation to the requisition of any cattle, direct the owner of any cattle to produce or cause to be produced such cattle, fi examination, to such authority or person as may be specified in the direction, at such place and time as may be specified therein.

(ii) There shall be paid to any person producing or causing to be produced any cattle in accordance with any direction issued under sub-paragraph (i) of this paragraph—

(a) such sum by way of compensation as such person proves to the satisfaction of the authority or person specified in the direction mably incurred in connection with production of any cattle, and (b) a reasonable amount to cover loss of time, if any.

(iii) In this paragraph "cattle" means bulls, cows, oxen, heifers, steers, calves, camels, horses, mules, asses, sheep, goats and swine;

(5) The Governor may, by order, if it appears to him expedient so to do, delegate to any person, subject to such limitations and directio s as he may in such order provide, any of the powers conferred upon hij 1 by the preceding provisions of this regulation, other than the power to requisition any vessel, ship or aircraft or anything on board any vessel, ship or aircraft. vis.

-(I for 3 Competent Authority, if he considers it desirable for the expedit of for an f the powers conferred by these regulations that ark Governo. Dulay applied into any particular matter, may direct the holding

of an inquiry into that matter by such person and at such place as such

authority may determine.

(2) For the purposes of any inquiry held in pursuance of this regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence.

79A.—(1) The Governor if it appears to him necessary or expedient Control of for any prescribed purpose, may direct any person in the Colony to perform employment. such services in the Colony or in any ship registered in the Colony as may be specified by the direction, being services which that person is, in the opinion of the Governor, capable of performing.

(2) Any services required by a direction given under this regulation to be performed shall be performed upon such terms as to remuneration and conditions of service as the Governor may, in accordance with the provisions of this regulation, direct:

Provided that in determining the terms upon which any such services are to be performed the Governor shall have regard to any rates of salary, fees or wages for the performance of those services which appear to the Governor to be usual, and, in particular, in the case of services usually rendered under a contract of service, shall have regard to any determination relating to the remuneration and conditions of service of persons employed in the district in the capacity and in the trade in which the person to whom the direction relates is to serve, being a determination contained in an agreement between organizations, representative of employers and workers, or, in the absence of any such determination, shall have regard to the remuneration and conditions of service in practice prevailing among good employers in that trade in the district

(3) Any directions given by the Governor under this regulation may in accordance with his instructions, be given on his behalf by any person

duly authorized in writing by him.

(4) The Governor may by order nake provision for regulating the engagement of workers by employers d the duration of their employ ment, and for giving effect to the foregoing provisions of this regulation, and may, in particular, provide by any such order :-

(a) for requiring persons to register such particulars about themselves

as may be prescribed by or under the order;

(b) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order;

(c) for requiring persons carrying on, or employed in connection with, any undertaking, to produce to such person as may be designated by or cn behalf of the Governor or by or on behalf of any other authority or person specified in the order such books,

accounts or other documents relating to the undertaking and to furnish such estimates, returns or information relating thereto as may be prescribed by or under the order;

(d) for any incidental and supplementary matters for which the Governor thinks it expedient to provide, including, in particular, the entry and inspection of premises with a view to securing compliance with directions given under this regulation;

and any such provision may be made so as to relate either to persons or undertakings generally or to any particular person or undertaking or class or description of persons or undertakings.

(5) The Governor may by order make provision for securing that enough workers are available in undertakings engaged in essential work 10

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and may in particular provide by any such order-

(a) for securing that, except in circumstances and to the extent provided by the order, persons employed in any such undertaking shall continue to be employed in that undertaking, and shall not be caused to give their services in any other undertaking;

(b) for prohibiting persons so employed from absenting themselves from work without reasonable excuse or being persistently late

in presenting themselves for work;

(c) for requiring payment to every person so employed of wages for periods during which, though work is not available for him in his usual occupation, he is capable of and available for work, and willing to perform services which he can reasonably be asked to perform;

(d) for any incidental and supplementary matters for which the Governor thinks it expedient to provide, including, in particular, the matters referred to in sub-paragraphs (b) and (c) of the last foregoing paragraph and the entry and inspection of premises

with a view to securing compliance with the order;

and any such provision may be made so as to relate either generally to undertakings engaged as aforesaid or to any particular undertaking or class or description of undertakings so engaged, and either generally to persons employed in undertakings to which the order relates or to any particular person or class or description of persons so employed.

In this paragraph the expression "essential work" means work appearing to the Governor to be essential for any and references to an undertaking shall include references to a branch or

department of an undertaking.

Avoidance of strikes and lock-

79B.—(1) With a view to preventing work being interrupted by trade disputes, the Governor may by order make provision-

(a) for establishing a tribunal for the settlement of trade disputes,

and for regulating the procedure of the tribunal;

(b) for prohibiting, subject to the provisions of the order, a strike or lock-out in connection with any trade dispute;

(c) for requiring employers to observe such terms and conditions of employment as may be determined in accordance with the order to be, or to be not less favourable than, the recognized terms and conditions;

(d) for recording departures from any rule, practice or custom in respect of the employment, non-employment, conditions of employment, hours of work or working conditions of any persons;

(e) for any incidental and supplementary matters for which the Governor thinks it expedient for the purpose of the order to

(2) In this regulation the expression " rade dispute" means any dispute or difference between employers and workmen, or between

workmen and workmen connected with the employment or non-employn hent, or the terms of the employment or with the conditions of labour off any person.

81. Any member of the Police Force or any member of His Majesty's Power to Forces acting in the course of their duty as such, and any person arrest Forces acting in the course of their duty as such, and any person without authorized by the Governor to act under this regulation may arrest warrant. without warrant any person whom he has reasonable ground for suspecting to have committed a war offence.

82.—(1) The Governor may make rules authorizing the taking, in Identificarelation to any person in custody whom the proper officer of police has tion of reasonable grounds for suspecting to have committed a war offence, of all persons in custody such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

(2) Rules made under this regulation shall make provision for

securing-

(a) that no photograph of a person taken in pursuance of the powers conferred by this regulation shall be published, except for the purpose of tracing that person, and that no copy of any such photograph shall be shown to any person except a person

officially authorized to see it; and

(b) that all photographs (both negatives and copies), and all documents relating to the measurement and identification of any person taken or made in pursuance of the said powers shall, unless that person has been convicted of an offence under these regulations, be destroyed as soon as may be after the expiration of the Act.

(3) In this regulation the expression "the proper officer of police" means any officer of police being of a rank not lower than that of an

inspector.

83.—(1) Without prejudice to any special provisions contained in Power to these regulations, any person shall, on being requested by the Competent obtain in-Authority so to do, furnish or produce to such authority or person as may formation. be specified in the request any such information or article in his possession as may be so specified, being information or an article which the Competent Authority considers it necessary or expedient to obtain or examine in connection with any prescribed purpose, and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this regulation he shall be guilty of

(2) A prosecution in respect of an offence against this regulation shall an offence. not be instituted except by, or with the consent of, the Attorney-General.

84. An authorized officer may, for any matter connected with any Affixing of prescribed purpose, affix any notice to, or cause any notice to be displayed notices. on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by this regulation, enter any premises at any time; and where an authorized officer affixes a notice, or causes a notice to be displayed, in pursuance of this regulation, no person other than an authorized officer shall remove, alter, deface or obliterate the notice.

False state. ments.

85. If any person—

- (a) in answer to any request made in pursuance of any of the regulations, or any order made under any of these regulation makes any statement, or furnishes any information, which I knows or has reasonable cause to believe to be false in a materia particular, or
- (b) makes such a statement as aforesaid in any account, declaration estimate, return or other document which he is required by an order under any of these regulations to make, he shall be guilty of an offence.

Obstruction.

86. No person shall obstruct any servant of His Majesty, a police constable acting in the course of his duty as such, or any person exercisi. any powers, or performing any duties, conferred or imposed on him by or under any of these regulations, or otherwise discharging any lawfu functions in connection with any prescribed purpose. Restrictions 87. No person who obtains any information by virtue of these reguon disclosing lations shall, otherwise than in connection with the execution of these

Licences,

regulations or of an order or rule made under these regulations, disclose that information except with permission granted by the Governor. 88.—(1) Any person claiming to be the holder of any permit, licence permits, etc. or written permission granted or issued for the purposes of any of these regulations shall, on demand made in that behalf by a police constable or by an authorized officer, produce the permit, licence or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, o allows to be used by any other person, a permit, licence or written per mission granted or issued for the purposes of any of these regulations or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence.

(3) Any licence, permit or permission granted for the purposes of any of these regulations may be revoked at any time by the authority or person empowered to grant it.

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89. There may be charged in respect of the grant, renewal or issue of licences, etc. any licence, permit or other document for the purposes of any of these regulations, or any order made under any of these regulations, such fee, not exceeding five pounds, as the Governor may by order determine.

Power to enter and search therein.

91.—(1) If a Judge of a District Court or a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that a premises and war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorizing any officer of police or any commissioned officer in His Majesty's Forces, together with: any other persons named in the warrant and any other police constables or members of His Majesty's Forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

(2) If, with respect to any premises, any officer of police of a rank not lower than that of superintendent, or any person authorized by the Governor to act under this paragraph, has reasonable ground for

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suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises,

(a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining that evidence, and

(b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search and seizure in relation to the premises as might be conferred under paragraph (I) of this regulation by the warrant of a Judge of a District Court or a Magistrate.

(3) No woman shall, in pursuance of a warrant issued under this

regulation, be searched except by a woman.

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91A. Where, by virtue of any of these regulations, a person has any Use of force power to enter premises, he may use such force as is reasonably necessary in entering premises. for the purpose of exercising that power.

92. For the purposes of any offence against these regulations each Parties to of the following persons shall be deemed to have taken part in com- offences. mitting the offence and to be guilty of the offence, and may be charged and tried with actually committing the offence and may be punished accordingly, that is to say :-

(a) every person who actually does the act or makes the omission

which constitutes the offence; (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) every person who procures, aids or abets another person in committing the offence;

(d) every person who solicits or incites or endeavours to persuade another person to commit the offence;

(e) every person who does any act preparatory to the commission of the offence;

(f) every person who attempts to commit the offence.

93. Where a person convicted of an offence against any of these Offences by regulations is a body corporate, every person who, at the time of the corporations. commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

94.—(1) Subject to any special provisions contained in these Offences and regulations, any person who-

(a) contravenes or fails to comply with any of these regulations or any order or rule made under any of these regulations or any

direction given or requirement imposed under any of these regulations or under any order or rule made under any of these regulations or who does any act which is declared to be an offence under any of these regulations; or

(b) knowingly misleads, or otherwise interferes with or impedes any officer or other person exercising any powers or performing any duties conferred or imposed on him by or under any of these

regulations,

shall be guilty of an offence against these regulations and shall be fried by the President of a District Court or a District Judge and on conviction shall be liable to imprisonment for a term not exceeding three years or o a fine not exceeding one hundred pounds or to both such imprisonment and fine.

penalties.

(2) Notwithstanding anything in paragraph (1) hereof contained but without prejudice to the operation thereof, any person who commits can offence against regulation 55 or 85 may be tried by a Magistrate and on conviction shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine:

Provided that where the prosecution is being conducted by a Law? Officer or a Police Officer the Magistrate shall not deal with the case

without the consent of such officer.

Legal proceedings.

95. Proceedings in respect of an offence alleged to have been committed by a person against any of these regulations may be taken before the District Court of the place where the offence has been committed or where that person is for the time being.

Disposal of articles in possession of executive authorities.

- 96.-(1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article underany of these regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of a war offence. may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this regulation is hereafter in this regulation referred to as
- (2) Where proceedings are taken in respect of a war offence, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may

(a) authorizing the destruction or disposal of the article, or

(b) authorizing the further retention of the article until such date as may be specified in the order;

and any such order authorizing the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into,

the possession of an executive authority in any part of the Colony.

(3) Without prejudice to the operation of paragraph (2) of this regulation, a Judge of a District Court upon complaint made in respect of a retained article by an executive authority, may, after giving to the person (if any) claiming, or appearing to him to be, the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorized by paragraph (2) of this regulation.

(4) A court shall not make an order under this regulation unless the court is satisfied that it is necessary so to do for any prescribed purpose.

(5) Where an order is made under this regulation authorizing the further retention of an article, paragraph (1) of this regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorized by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by paragraph (2) or paragraph (3) of this regulation.

(6) Where, in the course of any proceedings for an offence, an order is made under paragraph (2) of this regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order, it

(7) Where an order is made under paragraph (3) of this regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to the Supreme Court, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this regulation authorizing the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the

proceedings in which the order is made.

(9) Subject to the preceding provisions of this regulation, section 363 Cyprus of the Cyprus Criminal Code, 1928 to 1944, shall apply to any article Criminal coming into the possession of an executive authority which the authority has reasonable ground for believing to be evidence of the commission of a war offence, as it applies to property coming into the possession of the police in the circumstances mentioned in such section, and, in relation to any such article, shall have effect as if the reference in sub-section (1) of that section to the police included a reference to an executive authority whether a member of the Police Force or not.

(10) For the purposes of this regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any 19 of 1944 appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(11) For the purposes of this regulation, any authority, police constable or other person whatsoever having functions in connection with the execution of these regulations shall be deemed to be an executive

authority.

(12) Nothing in this regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this regulation.

97. Where any work is done in the exercise of powers conferred by Recovery or any of these regulations, then, if and so far as the work was work which, expenses. apart from the provisions of these regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown.

Code Order

in Council.

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98. A provision made in, or a direction or determination made or Entrusting given in pursuance of, any of these regulations or any order under these regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under a law; and any such body corporate to whom any functions are entrusted under or by virtue of these regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these regulations, is imposed by any law or other instrument determining the functions of that body.

of functions to statutory

100. Without prejudice to any special provisions contained in these Service of regulations, a notice to be served on any person for the purposes of any notices. of these regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Effect of orders, etc., on contracts.

101. If any person shall, by obeying any order or requisition made under these regulations, be prevented from fulfilling any contract, such person shall not be deemed to have thereby committed a breach of contract, but such contract shall be deemed to be suspended by such order or requisition so far as its fulfilment is thereby rendered impossible.

Revocation and varia. tion of orders, etc.

102. Any power conferred by any of these regulations to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Sub-section (2) of section ll of Law 26 of 1935 to apply to revocation of previous regulations.

105.—(1) Sub-section (2) of section 11 of the Interpretation Law, 1935, (which relates to the effect of repeals) shall apply with respect to revocation by these regulations of any provisions of any previous regulations as it applies to the repeal by any law passed after the commencement of that law or any other enactment.

(2) Any order, rules or appointment made, permit granted, warrant issued or directions or authority given, by virtue of any provisions of any regulation revoked by these regulations which is in force at the date of the coming into operation of these regulations shall continue in force and have effect as if made, granted, issued or given by virtue of these regulations; but if or in so far as any such order, rule, appointment, permit, warrant, directions or authority is inconsistent with the provisions of these regulations it shall be revoked as soon as may be after the

(3) Any reference to any regulation revoked by these regulations contained in any Law or public instrument or in any order or document issued or made thereunder shall, unless the contrary intention appears, be construed as a reference to the corresponding regulation of these regulations whether the revoked regulation has been re-introduced in these regulations with or without modification.

SECOND SCHEDULE.

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Gazettes:	SECOND SCHEDULE.	
Supplement No. 3: 26. 3.1940 23. 8.1940 28. 7.1941 30.10.1941	Title. 1. The Emergency Powers (Cyprus Defence) Finance Regulation (No. 2) 1941.	ions, 1940
16. 4.1942 20. 5.1943 4.11.1943 31. 1.1944 11.11.1943 30.12.1943 30.12.1943 6. 1.1944	 The Defence (Trade Marks and Merchandise Marks) Regulating. The Defence (Building Operations) Control Regulations, 194. The Defence (Perishable Goods) Regulations, 1943 and 1944. The Defence (Municipal Market Shops, Stalls and Sheds) Regulations. The Defence (Exportation of Goods) Regulations, 1943. The Defence (Importation of Goods) Regulations, 1943. The Defence (Coffee-Shops) Control Regulations, 1943. Made at Nicosia, this 23rd day of February, 1946. 	ons, 1942 13
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