
EXPLOSIVE SUBSTANCES (AMENDMENT) REGULATIONS 2008

The Administrator makes the following Regulations in exercise of his powers under section 13 of the Explosive Substances Ordinance(a) as amended by section 8 of the Explosive Substances (Amendment) Ordinance 2006(b).

Citation and Commencement

1. These Regulations may be cited as the Explosive Substances (Amendment) Regulations 2008 and come into force on the day on which they are published in the Gazette.

Interpretation

2. In these Regulations-

“the principal Regulations” means the Explosive Substances Regulations 1940(c).

“Inspector of Explosive Substances” substituted

3. “Inspector of Explosive Substances” is replaced by “Inspector of Explosives” wherever it occurs in the following provisions of the principal Regulations-

- Regulation 2A(d)
- Regulation 22(e)
- Regulation 36(f)
- Regulation 39A(g)
- Regulation 50A(h)
- Regulation 61(i)
- Regulation 62(j)
- Regulation 63A(k)
- First Schedule, “Form A”(l)

Regulation 21 amended

4. In regulation 21(l) of the principal Regulations, “nor any female” is repealed.

Regulation 27 amended

5. In regulation 27(d) of the principal Regulations, “nor to any female” is repealed.

Regulation 42 repealed and replaced

6. Regulation 42 of the principal Regulations is repealed and replaced as follows-

“Licence to sell explosive substances

42. (1) No licensee of an explosives magazine may sell or otherwise dispose of any quantity of explosive substances without a licence to sell such explosive substances.

(2) A licence to sell explosive substances in Form I in the First Schedule may be issued by the Inspector of Explosives subject to any conditions set out in the licence.”

Regulation 47 repealed and replaced

7. Regulation 47 of the principal Regulations is repealed and replaced as follows-

“Licence to sell blasting powder etc

47. (1) No person may sell blasting powder, gunpowder, ammunition or fireworks without a licence to do so.

(2) A licence to sell blasting powder, gunpowder, ammunition or fireworks in Form I in the First Schedule may be issued by the Inspector of Explosives subject to any conditions set out in the licence.

(3) No holder of a licence to sell blasting powder may sell or in any way dispose of a quantity of blasting powder to a person who is not the holder of a Certificate of Competency granted under regulation 27.”

New regulation 65 inserted

8. After regulation 64 of the principal Regulations, the following new regulation is inserted -

“Delegation to the Republic

65. (1) The powers and duties conferred on the Inspector of Explosives by regulations 16, 17, 21, 27, 30(m), 35, 42, 47, 55(a), 57, 61 and 62 are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(n).

(2) The powers and duties conferred on the Inspector of Explosives by regulations 2A, 15, 18, 22, 23, 24, 31(o), 36, 37(p), 39A, 48, 50A, 59 and 63 are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.”

Dated this 25th day of March 2008.

By the Administrator’s Command,

P. D. Draycott,

Chief Officer,
Sovereign Base Areas.

(SBA/AG/2/MISC/178/1)

Notes

- (a) Cap. 54, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (b) Ordinance 8/06.
- (c) Public Instrument 3 of 1940, Subsidiary Legislation (Cyprus), as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (d) Regulation 2A was inserted by Public Instrument 86/06.
- (e) Regulation 22 was substituted by Public Instrument 86/06.
- (f) Regulation 36 was substituted by Public Instrument 86/06.
- (g) Regulation 39A was inserted by Public Instrument 86/06.
- (h) Regulation 50A was inserted by Public Instrument 86/06.
- (i) Regulation 61 was substituted by Public Instrument 86/06.
- (j) Regulation 62 was substituted by Public Instrument 86/06.
- (k) Regulation 63A was inserted by Public Instrument 86/06.
- (l) First Schedule, “Form A” was substituted by Public Instrument 86/06.
- (m) Regulation 30 was substituted by Public Instrument 640 of 1955, Subsidiary Legislation (Cyprus), as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (n) Ordinance 17/07.
- (o) Regulation 31 was amended by Public Instrument 640 of 1955, Subsidiary Legislation (Cyprus), as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (p) Regulation 37 was amended by Public Instrument 640 of 1955, Subsidiary Legislation (Cyprus), as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Introduction

1. This explanatory note relates to the Explosive Substances (Amendment) Regulations 2008. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a regulation or part of a regulation does not seem to require any explanation or comment, none is given.

Particular points

3. The Regulations delegate various functions of the Inspector of Explosives to the appropriate officer in the Republic of Cyprus. In accordance with section 6 of the Delegation of Functions to the Republic Ordinance 2007, the appropriate officer of the Republic is one on whom a corresponding function is placed under Republican law. The Delegation of Functions to the Republic Ordinance 2007 sets out the effects and limits of delegation.
4. The delegated functions are either general or qualified. A qualified delegation means an officer of the Republic has to consult the officer of the Areas before carrying out the function. This is the case for all the provisions connected with the licensing of explosive substances except for the refusal to grant a license for the importation of explosive substances into the Areas which is a general delegation (regulation 2A).
5. In accordance with the Explosive Substances Ordinance itself, the Regulations do not bind the Crown.