



SUPPLEMENT No. 2

TO

THE SOVEREIGN BASE AREA GAZETTE

No. 46 of 10th AUGUST, 1962.

LEGISLATION

ORDINANCE 10 OF 1962.

AN ORDINANCE

**TO PROVIDE FOR THE RELIEF OF
AGRICULTURAL DEBTORS IN THE
SOVEREIGN BASE AREAS.**

DENIS BARNETT,

9th August, 1962.

ADMINISTRATOR.

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 Agricultural Debtors Relief Ordinance, 1962.

Short title.

2. In this Ordinance unless the context otherwise requires—

Interpretation.

“action” includes all proceedings of a civil nature before any Court;

“agriculture” includes horticulture, fruit growing and dairy farming and livestock breeding and keeping, and the use of land as grazing land and “agricultural” shall be construed accordingly;

“Bank” means a Bank carrying on banking business in the Island of Cyprus and so licensed;

“appointed date” means the 13th February, 1962;

Cap. 114.
(Laws of
Cyprus).

“Co-operative Society” means a Co-operative Society registered or deemed to be registered under the provisions of the Co-operative Societies Ordinance;

“Court” means the Judge’s Court of the Sovereign Base Areas;

“debt” includes all liabilities of a debtor of any nature whatsoever, secured or unsecured, whether payable under a judgement or order of a Court or under a hire-purchase agreement or otherwise and whether payable presently or in future:

Provided that it shall not include the following debts (in this Ordinance referred to as “exempted debts”)—

- (a) any amount the liability for the payment of which is only contingent;
- (b) any share of the produce of land payable on account of land cultivated in partnership or any rent due, in respect of any agricultural land, to a person who possesses the essential prerequisites to be termed as a debtor although he may not owe anything to anybody;
- (c) any amount recoverable-
 - (i) as a tax or duty under the Tax Collection Ordinance or any Ordinance amending or substituted for the same, or
 - (ii) as a penalty under the Criminal Procedure Ordinance;
- (d) any amount an action for the recovery of which is barred by lapse of time under the provisions of the Limitation of Actions Ordinance or of any other Ordinance in force for the time being;
- (e) any loan made by any Bank;
- (f) any loan made by a Co-operative Society;
- (g) all wages or salary of any clerk or servant in respect of services rendered to the debtor;
- (h) all wages of any labourer or workman in respect of services rendered to the debtor;

Cap. 329.
(Laws of
Cyprus).

Cap. 155.
(Laws of
Cyprus).

“debtor” means a debtor who, on the date of the coming into operation of this Ordinance, resides in the Sovereign Base Areas and —

- (a) whose main means of livelihood is agriculture; and

- (b) who is engaged in agriculture by himself or by members of his family or by hired casual labourers; and
- (c) who is the owner of immovable property the assessed value of which as shown in the books of the District Lands Office does not in the aggregate exceed the sum of one thousand and five hundred pounds;

“family” means the spouse, son, daughter, father and mother of the debtor, or any of them, who may be wholly or partly dependent on him;

“livestock” includes any animal kept for the production of food, wool, silk, skins or furs or for its use for any agricultural purpose;

“movable property” means —

- (a) any animal, tool or other instrument normally used for an agricultural operation;
- (b) any agricultural machinery or device whether manually, mechanically, electrically or power operated which is normally used by farmers for agricultural purposes, or for gathering, cleaning or preparing any crops for sale in a raw state;

“Republic” means the Republic of Cyprus.

3. Proceedings in a Relief Court of the Republic, established under the Agricultural Debtors Relief Law of the Republic (No. 29 of 1962) shall be deemed to be proceedings to which Section 9 of the Citizens of the Republic (Jurisdiction of Courts) Ordinance, 1960 applies.

Ordinance No. 6
of 1960.

4. (1) The Judge's Court shall consider and determine any application (in this Ordinance referred to as an “application for relief”) made by any debtor under the provisions of this Ordinance, and, when the circumstances of the case so require, by its decision shall order—

Jurisdiction of
Court.

- (a) that any debt included in the application for relief shall be paid by instalments of such an amount payable at such times during such period, not exceeding twelve years, as the Court may in its decision determine:

Provided that where the unexpired contractual period for the payment of such debt exceeds twelve years an order under this paragraph will be made only in respect of any arrears in the payment of such debt:

Provided further that where such debt arises out of a hire purchase agreement the Court shall exercise the powers vested in it under Section 5;

- (b) reduction of the agreed rate of interest to such rate, which shall not be less than five per centum per annum, as the court may decide in the circumstances of the case:

Provided that no order shall be made under this paragraph if the agreed rate of interest is less than five per centum.

(2) Provided that the Rules of Court are complied with the Court may grant the debtor permission to appeal for a fresh hearing if it is proved to the satisfaction of the Court, that the interest paid or payable, or both, on the debt, exceeds the whole sum of such debt or that the amount of interest exceeds the legal percentage of interest, or that expenses incurred in connection with investigations, fines, bonuses, premiums, renewals or any other charges, are excessive; in such circumstances the Court may order a fresh hearing and the production of accounts between the creditor and the debtor, irrespective of any account, document, already produced, mortgage or other agreement purporting criminal implication, and grant to the debtor relief for any amount which had been imposed or deposited and had been proved that this amount was excessive.

(3) For the purposes of sub-section (1) the expression "circumstances of the case" includes inter alia —

- (a) questions relating to the financial capacity of the debtor to meet his whole indebtedness due regard being had to the annual income of himself and his family, his family obligations and the expenses required for the cultivation of his lands and the feeding of his animals;
- (b) questions relating to the circumstances under which and the purposes for which such indebtedness was incurred;
- (c) questions relating to the financial position of the creditor due regard being had to his indebtedness and specifically to the rate of interest payable by him in respect of such indebtedness;
- (d) the question whether greater hardship would be caused by making an order under this section than by refusing to make it;
- (e) the bearing of any of the aforesaid considerations on the others.

Provisions as to
hire-purchase
agreement.

5. (1) Where a debt included in an application for relief arises out of a hire-purchase agreement, the Court shall, when the circumstances of the case so require, by its decision —

- (a) where the subject-matter is immovable property, extend the unexpired period for the payment of the hire-purchase price to a period not exceeding nine years;

- (b) where the subject-matter is movable property extend the unexpired period for the payment of the hire-purchase price to a period not exceeding four years;

and in either case the Court may give directions that the subject-matter of the hire-purchase shall continue to be in the possession of the debtor so long as he continues to pay the instalments of the hire-purchase price as directed by the Court; and in such case, the Court may give such directions for the purpose of protecting the subject-matter of the hire-purchase from any loss or damage as the Court may deem fit.

- (2) For the purposes of this section—

“circumstances of the case” has the meaning assigned to such expression by sub-section (3) of Section 4 due regard being had to the extent of development incurred by the debtor on the immovable property being the subject-matter of a hire-purchase agreement, and to what extent such ownership is essentially necessary for safeguarding the livelihood of the debtor;

“hire-purchase price” means the total sum payable by the hirer under a hire-purchase agreement.

6. (1) A debtor may, within three months after the expiration of one month from the date of the coming into operation of this Ordinance, apply in the prescribed form, to the Court claiming relief under the provisions of this Ordinance in respect of any debt incurred before the appointed date owed by him either individually or jointly with any other person.

Application for relief and procedure thereon.

(2) Any such application shall include all the debts owed by the debtor and incurred before the appointed date and shall also contain a statement of any debts owed by the debtor and incurred after the appointed date and of any exempted debts, also a statement of any immovable property owned by the debtor.

(3) On receiving an application for relief the Court may either dismiss the application or, subject to Section 7, grant such relief as in sub-section (1) of Section 4 or sub-section (1) of Section 5, as the case may be, provided.

(4) An application made under this section shall not abate by reason of the death of the debtor or of the bankruptcy or death of any creditor.

7. (1) No application shall be entertained by the Court and no relief shall be granted in respect of any debt incurred after the appointed date.

Provisions regarding certain creditors.

(2) Where the debtor has failed to include in the application for relief a debt due to a creditor, and incurred before the

appointed date, the rights of such creditor shall remain unaffected by the provisions of this Ordinance.

Stay of
execution etc.,
for certain
period.

8. (1) For a period of six months from the 1st day of May, 1962 no sale of any movable or immovable property of a debtor shall take place.

(2) For the purposes of this section —

Cap. 6.
Cap. 233.
(Laws of
Cyprus).

“sale” means a sale ordered by a judgement or order of the Court or carried out under the provisions of the Civil Procedure Ordinance or the Sale of Mortgaged Property Ordinance, provided that it does not include a sale carried out in respect of a debt due to a Bank or Co-operative Society.

Stay of
Proceedings.

Cap. 6.
Cap. 233.
(Laws of
Cyprus).

9. (1) When an application for relief includes any debt in respect of which an action is pending before the Court or any proceedings have been taken for the sale of any immovable property under the provisions of the Civil Procedure Ordinance or of the Sale of Mortgaged Property Ordinance, the proceedings shall be stayed until the determination of the application for relief by the Court; and if the Court includes any part of such debt in its decision, such action or other proceedings shall abate so far as as they relate to such debt, otherwise they shall proceed.

(2) In the case of proceedings under the Sale of Mortgaged Property Ordinance referred to in sub-section (1) above, the Registrar shall give notice to the appropriate District Lands Officer of the Republic and any such notice shall continue in force until revoked or varied by subsequent notice.

Decision of
Court.

Cap. 6.
(Laws of
Cyprus).

10. (1) Any decision of the Court shall specify the amounts of the periodical payments, the terms on which they shall be payable and the period for the repayment of the debts for which relief is granted in the decision and shall contain an order that such immovable property, to be specified in the decision, belonging to the debtor, on the date on which the decision is delivered, as would be sufficient to secure the payment of all his debts (including unsecured exempted debts) incurred before the appointed date except such immovable property as may be exempted under the Civil Procedure Ordinance or any other Ordinance in force for the time being relating to execution, shall, subject to any mortgage, attachment, lien or charge created before the appointed date and subsisting thereon on the date on which the decision is delivered, be security for the amounts of all such debts, which amounts shall be specified in the decision.

(2) From the date of a decision of the Court such decision shall in supersession of all previous judgements or orders of the Court in respect of the debts mentioned in the decision, be binding on the debtor and his creditors and on the successors in interest of such debtors and creditors.

(3) Where a debt included in a decision is secured by any mortgage, attachment, lien or charge on any property of the debtor created before the appointed date and subsisting on the date of the decision, such mortgage, attachment, lien or charge shall continue to subsist to the extent of the amount payable under the decision in respect of such debt until such amount has been paid or the property has been sold for the satisfaction of such debt.

(4) The Court shall cause the decision to be lodged with the District Lands Officer of the Republic in which any immovable property of the debtor which is named as security for the amounts specified in the decision is situated. Such lodgment with the District Lands Officer shall operate as an attachment on all the immovable property of the debtor by which the amounts specified in the decision, as in sub-section (1) provided, are secured.

11. (1) Any amounts payable under a decision of the Court shall be paid to the Registrar.

Payment of
amounts included
in a decision
into Court.

(2) The Registrar shall inform in writing each creditor of any payment made by any debtor and shall request him to attend at the Registrar's Office to receive payment of the amount due to him.

(3) Nothing herein contained shall be deemed to prevent any debtor from paying into Court all or any amounts payable by him to all the creditors under the decision before the dates upon which the same are payable under the decision, and the registrar shall refuse to receive payment into Court of any amounts tendered by the debtor for payment only to a particular creditor named in the decision.

12. (1) If, after the decision of the Court, any creditor to whom an exempted debt is due, or any creditor to whom a debt to which the provisions of Section 7 apply is due, by a debtor named in the decision, seeks to issue execution against any immovable property of the debtor specified in the decision as security under Section 10, such creditor may, by an application by summons to the Court apply for an order that all the amounts payable under the decision, after deducting therefrom unaccrued interest, shall be payable forthwith and thereupon the Court shall make an order accordingly.

Recovery of
amounts included
in a decision etc.

(2) If, after the decision of the Court, any debtor named in the decision shall make default in the payment of any amount due and payable thereunder and such default shall continue for a period exceeding four months after the date fixed therein for the payment of the same, the creditor to whom such amount became due and payable may, by an application by summons to the Court apply for an order that all the amounts payable under the decision, after deducting therefrom unaccrued interest, shall be payable forthwith and thereupon the Court shall make an order accordingly.

(3) Where an order has been made by the Court as in sub-section (1) or (2) provided, the Court shall, of its own motion, but subject to the provisions of sub-section (4), proceed to the sale of the immovable properties of the debtor specified in the decision as security under Section 10.

(4) Before the Court proceeds to the sale of the immovable properties of the debtor as in sub-section (3) provided, the following provisions shall be complied with—

- (a) any immovable property which under the provisions of the Civil Procedure Ordinance or any other Ordinance in force for the time being relating to execution may be exempted from such sale shall be exempted;
- (b) the Court shall not proceed to the sale of any immovable properties of the debtor on which there is any mortgage in favour of any Bank or Co-operative Society except—
 - (i) with the consent of the Bank or Co-operative Society concerned; and
 - (ii) subject to the fixing by the Court of a reserve price representing the total amount due and to become due under such mortgage.

Distribution of
sale proceeds.

13. (1) The proceeds of any sale under sub-section (3) of Section 12, after deducting therefrom the costs of the sale and of any taxes or duties due to the Sovereign Base Areas Administration by the debtor, shall be distributed amongst the creditors in whose favour the property specified in the decision of the Court under sub-section (1) of Section 10 has been secured, as follows:—

- (a) the secured debts shall rank first in the order of their respective priorities;
- (b) if the proceeds of sale of property, being the security of a secured debt, are not sufficient to satisfy such debt, then any unsatisfied part thereof shall rank as an unsecured debt;
- (c) any surplus of the proceeds of sale after satisfying the secured debts shall be applied for the payment of the unsecured debts (including the unsecured exempted debts) which rank equally, and in case the balance is not sufficient for the full satisfaction of the secured debts, such debts shall be reduced mutually and in equal proportion;
- (d) any surplus remaining after the payment of the creditors of the debtor in accordance with the foregoing provisions of this section shall be paid to the debtor.

(2) The proceedings of the Court under this section shall be in accordance with any Rules made under this Ordinance.

14. Notwithstanding anything contained in any other Ordinance, when the period of limitation is calculated for any action, application, appeal, execution of judgement or order and for any other proceeding regarding a debt which has been the subject of any proceedings under this Ordinance, the time during which such proceedings continued and the time during which the person interested in such debt was debarred by any provision of this Ordinance from instituting the action, application, appeal or other proceeding, or executing the judgement or order, as the case may be, shall be excluded.

Extension
of period
of limitation.

15. (1) Except as provided in this Ordinance, the Court shall not entertain any action or other proceedings against the debtor in respect of his debt and no application made under Section 2 of the Sale of Mortgaged Property Ordinance shall be entertained in respect of a debt for which any amount is payable under a decision of the Court under this Ordinance or a decision of a Relief Court of the Republic in proceedings to which Section 9 of Ordinance No. 6 of 1960 is deemed to apply.

Bar to
actions etc.

Cap. 233
(Laws of
Cyprus).

(2) The Court shall not entertain any action against any person who is not a debtor within the meaning of this Ordinance and who is jointly and severally liable as principal debtor with, or as surety for, any other person who is a debtor within the meaning of this Ordinance in respect of—

- (a) any debt included in an application for relief; or
- (b) any debt for which any amount is payable under a decision of the Court.

16. Any person who knowingly makes a false statement in respect of, or intentionally omits to disclose, any material particular in any application made under this Ordinance shall be guilty of an offence and shall on conviction be liable to imprisonment not exceeding one year or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

Offences.

17. (1) The Senior Judge may make Rules, to be published in the Gazette for the better carrying of this Ordinance into effect and regulating the practice and procedure in any proceedings under this Ordinance:

Rules of Court.

Provided that until such Rules are made, all matters, proceedings and fees shall, *mutatis mutandis*, be regulated and taken as provided in the Civil Procedure Rules and the Court Fees Rules in respect of applications by summons.

S.L. Vol. II
120 seq. 323 seq.

(2) Particularly and without prejudice to the generality of sub-section (1) any such Rules may be made for all or any of the following matters:—

- (a) all matters stated or required by this Ordinance to be prescribed;
- (b) the forms to be used for any matter or proceeding had or taken under the provisions of this Ordinance and the fees payable in respect of any such matter or proceeding.

18. Subject to Rules of Court every decision of the Court shall be subject to appeal to the Senior Judge's Court.

Appeals.

19. The Agricultural Debtors Relief Ordinance is hereby repealed.

Repeal of
Cap. 25.

I.M.G. WILLIAMS,

9th August, 1962.

Chief Officer.

ORDINANCE 11 OF 1962

AN ORDINANCE

TO PROVIDE FOR THE REGULATION AND
CONTROL OF CERTAIN COMMODITIES
AND SERVICES.

DENIS BARNETT,
ADMINISTRATOR.

9th August, 1962.

PART I.

PRELIMINARY.

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

Short title.

1. This Ordinance may be cited as the Commodities and Services (Regulation and Control) Ordinance, 1962.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

“commodity” means any tangible movable property;

“consumer” in relation to any commodity, means a person who buys or otherwise acquires such commodity for any purpose whatsoever other than manufacture or sale;

“controlled commodity” means any commodity in respect of which a Control Order has been made under section 3;

“importer” in relation to a commodity, means a person who brings such commodity into the Sovereign Base Areas from any place outside the Sovereign Base Areas;

“maximum percentage of profit” means the maximum percentage of profit fixed in respect of a controlled commodity under section 4;

“maximum price” means the maximum price fixed for a controlled commodity under section 4;

“maximum remuneration” means the maximum remuneration fixed in respect of a controlled service under section 4;

“producer” in relation to any commodity, means a person who engages, whether himself or through others, in the production of such commodity or in the alteration thereof as regards its shape, nature or quality, or in any other respect, such commodity being agricultural produce, produces or rears it or causes it to be produced or reared;

“remuneration” means any monetary payment or other consideration for the performance of a service;

“retailer” in relation to any commodity means a person whose business or part of whose business is the sale of such commodity to the consumer;

“sale by retail” means a sale direct to a consumer;

“sale by wholesale” means a sale other than a sale direct to a consumer;

“service” includes any service to another person, but excludes services regulated by any other Ordinance in force for the time being, a public entertainment, and the doing of anything for another person in respect of commodities, provided that the work of an employee shall not be regarded as a service to his employer;

“wholesaler” in relation to any commodity, means a person whose business or part of whose business is the sale of such commodity by wholesale.

(2) Expressions not otherwise defined in this Ordinance shall, unless the context otherwise requires, have the meaning assigned to such expressions by the Adulteration of Agricultural Produce Ordinance and the Sale of Food and Drugs Ordinance.

PART II.

CONTROLLED COMMODITIES AND SERVICES.

Control Orders.

3. (1) Whenever it appears to the Administrator expedient, for the purpose of securing in the public interest the equitable distribution of a commodity or service or its availability at fair prices or the sufficiency of any commodity or service essential to the well being of the residents of the Sovereign Base Areas of Akrotiri and Dhekelia, that such commodity or service should be subject to control or regulation under the provisions of this Ordinance, the Administrator may by an order in this respect (in this Ordinance referred to as a "Control Order"), to be published in the Gazette, declare such commodity or service to be controlled or regulated under the provisions of this Ordinance (in this Ordinance referred to as a "controlled commodity or service") and thereupon the provisions of this Ordinance shall have effect in respect of the controlled commodity or service:

Provided that a Control Order may be general or limited to any particular part of the Sovereign Base Areas as may be specified in such Order.

(2) Any Control Order may contain such ancillary, incidental or consequential provisions as would be necessary to give effect to the Order.

(3) The Administrator may, if satisfied that the circumstances which led to the making of a Control Order have ceased to exist or that the public interest so requires, cancel such Order by publication in the Gazette and upon such cancellation the provisions of this Ordinance shall cease to apply to the controlled commodity or service concerned.

Power of the Administrator to fix price, etc.

4. (1) On or at any time after the declaration of any commodity or service as a controlled commodity or service under this Ordinance, the Administrator may, by an order to be published in the Gazette:—

- (a) fix the maximum price at which a controlled commodity may be sold; or
- (b) fix the maximum percentage of profit which may be derived from the sale of a controlled commodity if a maximum price has not been prescribed for it;
- (c) fix the maximum remuneration for a controlled service.

(2) In fixing a maximum price, maximum percentage of profit or maximum remuneration under this Ordinance, regard shall be had to the following considerations, amongst others—

- (a) as regards the maximum price at which a producer may sell a controlled commodity, or the maximum percentage of profit to be derived from the sale of a controlled commodity, the costs of production and, where the commodity is transported by the producer to the place of delivery to the purchaser, the costs of such transport and the general conditions prevailing on the market at the time in respect of such commodity;
- (b) as regards the maximum price at which a wholesaler may sell a controlled commodity or the maximum percentage of profit to be derived from the sale of a controlled commodity, the purchase price at which such wholesaler has purchased the commodity from the producer as shown in the invoice provided under section 6, and, where the commodity has been transported at the expense of such wholesaler, the costs of such transport, the costs of storing, insuring and generally incidental to keeping that commodity until the same is delivered to a purchaser and any salaries, rents, wages, depreciation and other reasonable expenses or charges incidental to the disposal of the commodity;
- (c) as regards the maximum price at which a retailer may sell a controlled commodity or the maximum percentage of profit to be derived from the sale of a controlled commodity, the same considerations as those applicable to a wholesaler *mutatis mutandis*;
- (d) as regards the maximum price at which an importer may sell a controlled commodity or the maximum percentage of profit to be derived from the sale of a controlled commodity the price of the commodity, the amount of any insurance, freight, postage or telegraphic expenses, duties, dues or other tolls incurred by the importer in respect of such commodity and the other considerations as those applicable to a wholesaler *mutatis mutandis*;
- (e) as regards the maximum remuneration for a controlled service, the nature of the service and the conditions prevailing on the market at the time as regards such service.

(3) An Order under this section may be general or limited to any particular part of the Areas as may be specified in the Order.

5. (1) Where a maximum price has been fixed for any controlled commodity under this Ordinance, a person shall not sell, or offer to sell such commodity at a price exceeding the maximum price.

Prohibition of excessive price or remuneration.

(2) Where a maximum percentage of profit has been fixed which it is permitted to derive from the sale of any controlled com-

modity under this Ordinance, a person shall not sell or offer to sell such commodity at a price affording to the seller a profit exceeding the profit permitted to be derived from the sale thereof.

(3) Where a maximum remuneration has been fixed for any controlled service under this Ordinance, a person shall not perform, offer or agree to perform, or offer or agree to have performed for him, such service for a remuneration exceeding the maximum remuneration.

Invoice and
receipt.

6. (1) Where a seller has sold any controlled commodity to a purchaser other than a consumer, he shall give such person not later than the time of delivery of the commodity, an invoice from a counterfoil book to be kept for the purpose signed by him or on his behalf and setting out:—

- (a) the names and addresses of the seller and of the purchaser;
- (b) the quality and description of the commodity sold;
- (c) the price at which the commodity has been sold with details of any charges for delivery, packing, insurance and the like, insofar as they are included in the price;
- (d) the date of the invoice; and
- (e) any such other particulars as may be prescribed by an Order made by the Administrator.

(2) When a person has received the price of a controlled commodity he shall, except in the case of a controlled commodity sold to a consumer, give the payer a receipt signed by him or on his behalf specifying the amount paid:

Provided that when such payment is made at the time of the delivery of the invoice such receipt may be made on the invoice itself:

Provided further that a seller shall, if so requested by a consumer, give the consumer a receipt of the price paid.

(3) In the case of a controlled service the person rendering the service shall, if so requested by the person to whom the service is rendered or if the Administrator has by Order made it obligatory to do so, give a receipt signed by him or on his behalf, specifying the service performed and the remuneration paid therefor:

Provided that the Administrator may by order exempt any controlled service from the requirements of this Section.

(4) A person, other than a consumer, who has given or received any invoice, note or receipt under this Section shall keep it or a copy or copies thereof, until the expiration of three months from the day on which it was given or received.

7. (1) Every wholesaler and retailer shall keep, apart from counterfoil books of invoices as provided in sub-section (1) of section 6 a "Purchases Record Book" and the wholesalers a "Sales Record Book" in which there shall be entered, as the case may be, the name of the seller or the purchaser, the quantity purchased or sold, and the price at which the controlled commodity has been purchased or sold.

Books to be kept.

Such entries in the case of a wholesaler shall be made daily, and in the case of a retailer weekly.

(2) Every person rendering a controlled service shall keep a book in which there shall be entered daily full particulars of the service rendered and any charges made in respect thereof.

8. (1) A retailer shall display at all times, in a conspicuous place, the price of any controlled commodity offered, displayed or kept in stock by him for sale, and the price of any controlled commodity displayed, whether in a window or otherwise, in such manner as to warrant the assumption that he is selling or offering to sell such commodity or a commodity substantially identical with it or that he is inviting offers to buy it.

Display of maximum prices and remuneration.

The price displayed as aforesaid shall be indicated in figures clearly visible to any person.

(2) The keeper of any establishment where any controlled commodity is sold shall exhibit in a conspicuous place a notice stating the name of the proprietor and containing a list of the controlled commodities offered for sale, and the price of each such controlled commodity.

For the purposes of this subsection "establishment" means restaurant, bar, milkbar, any shop where articles of food or drinks are offered for sale and any shop, establishment or place of public entertainment.

(3) Every person performing a controlled service shall display in a conspicuous place the maximum remuneration for such controlled service in clear figure enabling every person easily to ascertain such remuneration.

9. (1) Save under a special permit of the Administrator a controlled commodity shall not be sold—

Parties to sale of controlled commodities.

(a) by an importer to another importer or to a producer;

(b) by a producer to an importer, or to another producer whose business or part of whose business is the production of that commodity;

(c) by a wholesaler to an importer or to another wholesaler;

- (d) by a retailer to any importer, producer, wholesaler or retailer whose business or part of whose business is the import, production, sale by wholesale or sale by retail, as the case may be, of that commodity;
- (e) by a consumer to any other person, except where the commodity has been acquired in a reasonable quantity and over a reasonable period for the requirements of the consumer or of the members of his household and is sold for reasonable requirements of the purchaser or of the members of his household; but the Administrator may, by order, direct that this facility shall not apply to a particular commodity or transaction or class of commodities or transactions.

(2) No person shall be a party to a sale prohibited under this section.

PART III.

QUALITY CONTROL.

Quality etc.
of controlled
commodity.

Cap. 24
Cap. 261
(Laws of
Cyprus).

10. No controlled commodity which, as regards nature, substance, composition or quality, is not in accordance with the provisions of the Adulteration of Agricultural Produce Ordinance or the Sale of Food and Drugs Ordinance or any Regulation made thereunder or of any other Ordinance in force for the time being, shall be offered for sale or sold:

Provided that no person, against whom a charge has been preferred for an offence committed under the provisions of this section, shall be convicted, if he proves sufficiently to the Court—

- (a) that the offence was committed in view of the deterioration of the controlled commodity for reasons beyond his control; or
- (b) that he bought the controlled commodity, in respect of which an offence was committed, in an unopened parcel, and that he sold it in the same condition as he bought it.

Power to inspect
and sampling.

11. (1) The Administrator may by notice in the Gazette appoint official analysts for the purposes of this section.

(2) Any quality and price control officer appointed under the provisions of this Ordinance shall have power to enter any premises where a controlled commodity is offered for sale and take samples of such commodity for analysis, or obtain such samples from any means of conveyance whether by land, sea or air, on which such controlled commodity may be found at the time:

Provided that such officer may only enter a dwelling house under the provisions of this section under a warrant issued by the Judge's Court.

(3) Where a quality and price control officer takes a sample in pursuance of sub-section (2) he shall divide it into three parts and properly seal the same in the presence of the seller or his representative. One of such shall be delivered to the seller or his representative and the other two parts shall be sent to an official analyst for examination:

Provided that where the sample is of a perishable nature and the seller so requests at the time when the sample is taken, such sample shall be examined as soon as possible simultaneously by an official analyst and a private analyst, named by the seller.

(4) The official analyst entrusted with the examination of the sample shall, on receiving the samples, keep the one part thereof and proceed to examine the other part. A report of his analysis shall be sent to the officer submitting the sample who shall, with all reasonable speed, give or send by prepaid post a copy thereof to the seller.

(5) The seller may, within four days of receiving a copy of the report as in sub-section (4), lodge an objection against the analysis, in the prescribed form, and on payment of the prescribed fee, by delivering or sending such objection by prepaid post to the Fiscal Officer.

(6) A second analysis of the sample shall be made by another official analyst and any private analyst named by the person lodging the objection may attend such second analysis.

(7) In the case of disagreement between the result of the first and second analysis or between the official and private analyst at the second analysis the matter shall be referred for determination by a council of all official analysts, the meeting of which the private analyst named under sub-section (6) may attend and put forward his views. Decisions at such meeting shall be taken by a majority vote of the official analysts present at the meeting and shall be embodied in a report made in this respect.

(8) If the decision at the meeting provided in sub-section (7) is against the objector then the fee paid shall be forfeited, otherwise it shall be returned to the objector.

(9) Any report made under this section shall be deemed to be a report for all the purposes of Section 12 of the Evidence Ordinance.

Cap. 9. (Laws of Cyprus).

(10) Any official analyst may exercise powers under this section, including subsection (7), outside the Areas.

PART IV.

MISCELLANEOUS.

Quality and
Price Control
Officers.

12. (1) The Administrator may, by notification in the Gazette, nominate quality and price control officers for the purpose of exercising the functions conferred upon them under this Ordinance.

(2) Any quality and price control officer shall have the power to—

- (a) enter any premises other than a dwelling house where any controlled commodity or service is offered for sale or any establishment as defined in sub-section (2) of section 8, for the purpose of ascertaining whether the provisions of this Ordinance are being or have been complied with;
- (b) take samples as in section 11 provided;
- (c) ask for any information, book and other document which may reasonably be required for the purpose of ascertaining whether the provisions of this Ordinance are being or have been complied with;
- (d) seize any commodity in respect of which there is a reasonable belief that an offence has been committed under this Ordinance or which may reasonably be required as evidence of the commission of any such offence:

Provided that if no prosecution is brought in respect of any such offence within fifteen days of such seizure the commodity so seized shall be returned and if such commodity is destroyed or damaged the owner thereof shall be paid compensation.

Offences and
Penalties.

13. (1) Any person who either himself or through any employee, clerk, servant or other agent—

- (a) contravenes any of the provisions of this Ordinance;
- (b) contravenes any of the conditions of any licence or permit granted under this Ordinance;
- (c) obstructs or prevents any quality and price control officer from exercising any of his functions under this Ordinance;
- (d) answers untruly any question lawfully put to him under this Ordinance or conceals, destroys, alters or refuses to produce any book or document lawfully demanded from him under the provisions of this Ordinance;

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding three hundred pounds or to both such imprisonment and fine and the Court trying the offence may order the commodity in respect of which the offence has been committed to be forfeited.

(2) Where an offence has been committed under sub-section (1) by a body of persons, corporate or unincorporate, any director, partner, manager or other responsible official acting at the time in a managerial capacity shall likewise be guilty of the offence unless the Court is satisfied—

- (a) that the offence was committed without his knowledge; or
- (b) that he took all reasonable steps to ensure compliance with the provisions of this Ordinance.

14. No prosecution shall be brought under this Ordinance except by or with the consent of the Legal Adviser.

No prosecution
without the
consent of the
Legal Adviser.

15. (1) The Administrator may make Regulations to be published in the Gazette for the better carrying into effect of the provisions of this Ordinance.

Regulations.

(2) Without prejudice to the generality of sub-section (1) any such Regulations may provide for all or any of the following matters—

- (a) the prescribing of any matter which under this Ordinance is required or permitted to be prescribed;
- (b) the manner and procedure of the exercise of their functions under this Ordinance of Quality and Price Control Officers.

I.M.G. WILLIAMS,

Chief Officer.

9th August, 1962.

AN ORDINANCE

TO PROVIDE FOR THE CONTROL OF PRACTICE OF ARCHITECTS AND CIVIL ENGINEERS, FOR RECOGNITION IN THE SOVEREIGN BASE AREAS OF ARCHITECTS AND CIVIL ENGINEERS REGISTERED IN THE REPUBLIC AND FOR OTHER MATTERS CONNECTED WITH THE EXERCISE OF THOSE PROFESSIONS IN THE SOVEREIGN BASE AREAS.

DENIS BARNETT,
ADMINISTRATOR.

9th August, 1962.

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

Short title.

1. This Ordinance may be cited as the Architects and Civil Engineers Ordinance, 1962.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

“Architect”, “Architect by Profession”, “Building Technician”, “Civil Engineer”, “Licensed Architect by Profession”, “Licensed Building Technician”, “Registered Architect” and “Registered Civil Engineer” respectively mean Architect, Architect by Profession, Building Technician, Civil Engineer, Licensed Architect by Profession, Licensed Building Technician, Registered Architect and Registered Civil Engineer as defined in the Republican Law;

“Republican Board” means the Board established under the Republican Law;

“Republican Law” means the Architects and Civil Engineers Law, 1962, of the Republic and includes any Law substituted for or amending the same.

Law 41 of 1962.

3. (1) After the 1st day of June, 1963, and subject to the provisions of this Ordinance, no person shall:—

Prohibition from practising as an architect or civil engineer without being registered under the Republican Law.

- (a) exercise the profession of, or act in any way as, or hold himself out to be, an Architect or Civil Engineer;
- (b) practise under any name, title or style containing the words "architect", "architecture", "architectural", "civil engineer" or "civil engineering";
- (c) be entitled to recover any charge or fee in respect of any services rendered as an Architect or Civil Engineer, unless he is registered as an Architect or Civil Engineer under the provisions of the Republican Law and is not, for the time being, the subject of an order of suspension under Section 12 of the Republican Law.

(2) If any person acts in contravention of any of the provisions of this Section, he shall be guilty of an offence and shall be liable, upon conviction, to imprisonment for a period not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

4. (1) Subject to the provisions of this section, any Licensed Architect by Profession or any Licensed Building Technician shall be entitled to practise in the same manner and shall be liable to the same liabilities and penalties, shall have the same obligations and shall enjoy the same rights and privileges as a Registered Architect or a Registered Civil Engineer;

Conditions of practice of licensed architects by profession and licensed building technicians.

Provided that—

- (i) a person licensed under paragraph B(a) of sub-section (1) of Section 9 of the Republican Law shall not be entitled to undertake or carry out any work pertaining to the profession of an Architect or Civil Engineer where such work relates to a building of more than two storeys or a building of a cubical content, as defined in the Regulations made under the Streets and Buildings Regulation Ordinance, or in any other relevant Ordinance, exceeding twenty thousand cubic feet;
- (ii) a person licensed under paragraph B(b) of sub-section (1) of Section 9 of the Republican Law shall not be entitled to undertake or carry out any work pertaining to the profession of an Architect or Civil Engineer where such work relates to a building of more than two storeys or a building of a cubical content, as defined in the Regulations made under the Streets and Buildings Regulation Ordinance, or in any other relevant Ordinance, exceeding ten thousand cubic feet.

Cap. 96 (Laws of Cyprus).

(2) After the first day of June, 1963, no person shall practise or act as, or hold himself out to be or use the title or designation of "Architect by Profession" or "Licensed Building Technician" unless he is licensed under the provisions of the Republican Law, and is not for the time being the subject of an order of suspension under Section 12 of the Republican Law. No person so licensed shall use any other title or designation except that of—

- (i) "Licensed Architect by Profession", in the case of any person licensed under paragraph A of sub-section (1) of Section 9 of the Republican Law;
- (ii) "Licensed Building Technician, Class 'A' ", in the case of any person licensed under paragraph B (a) of sub-section (1) of Section 9 of the Republican Law;
- (iii) "Licensed Building Technician", in the case of any person licensed under paragraph B (b) of sub-section (1) of Section 9 of the Republican Law.

(3) If any person acts in contravention of any of the provisions of this section, he shall be guilty of an offence and shall be liable, upon conviction, to imprisonment for a period not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Plans, etc. to be signed by the Registered Architect or the Registered Civil Engineer etc.

5. All the plans, specifications, calculations and any other relevant documents, which are submitted to the appropriate authority for the grant of a permit under the Streets and Buildings Ordinance, shall bear the signature and title of the Architect or Civil Engineer or Licensed Architect by Profession or Licensed Building Technician who prepared them.

Provisions of this Ordinance not to apply to United Kingdom personnel and contractors.

6. The provisions of this Ordinance shall not apply to United Kingdom personnel and contractors, as defined in paragraphs (d) and (k) respectively of Section 1 of Part I of Annex 'B' of the Treaty, who are acting in the course of their employment.

Special permit.

7. Notwithstanding anything in this Ordinance contained, the Administrator may grant a special permit without fee for such period as may be specified in the permit to a person from abroad to study, prepare, design, plan, execute or supervise such work or works in the Areas as may be specified in the permit, and nothing in this Ordinance contained shall apply to such person during the duration of such special permit:

Provided that, if such work or works are not in the opinion of the Administrator connected with military requirements or the Administration, such permit shall only be granted to a person of recognised reputation in respect of his profession or execution of works, on condition that such person assists an Architect or Civil Engineer registered under the provisions of the Republican Law.

I.M.G. WILLIAMS,

9th August, 1962.

Chief Officer.

ORDINANCE 13 OF 1962.

AN ORDINANCE

TO REGULATE THE PRIVILEGES AND DISCIPLINE OF
ADVOCATES ENTITLED TO PRACTISE IN THE SOVEREIGN
BASE AREAS OF AKROTIRI AND DHEKELIA.

DENIS BARNETT,

9th August, 1962.

ADMINISTRATOR.

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

PART I

PRELIMINARY

1. This Ordinance may be cited as the Advocates Ordinance, 1962. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.
 - “Advocate” means a person entitled to practise as an advocate in the Areas in accordance with the provisions of this Ordinance;
 - “Bar Council” means the Bar Council of the Republic as defined in the Republican Advocates Law;
 - “Disciplinary Committee” means the Disciplinary Committee referred to in Section 10 of this Ordinance;

“Law Officer of the Areas” means the Legal Adviser, the Assistant Legal Adviser or any other officer of the Crown declared by the Administrator to be a Law Officer of the Sovereign Base Areas;

“Law Officer of the Republic” means the Attorney General or the Deputy Attorney General of the Republic, a Counsel of the Republic or any other officer of the Republic declared by the Administrator to be a Law Officer of the Republic;

“Qualified Person” means a person qualified to practise as a barrister-at-law, advocate or solicitor, or in an equivalent professional capacity, in a court in a part of Her Majesty’s Dominions or in the Republic of Ireland;

“Register” means the Register of Advocates of the Sovereign Base Areas;

“Republican Advocate” means an advocate as defined in the Republican Advocates Law who is for the time being entitled to practise in the Courts of the Republic;

“Republican Advocates Law” means the Advocates Law of the Republic as amended by the Advocates (Amendment) Law, 1961, and shall be deemed to include a reference to that Law as the same may from time to time be further amended and to any Law substituted therefor; and

“Republican Roll of Advocates” means the Roll of Advocates referred to in the Republican Advocates Law.

Cap. 2 (Laws
of Cyprus)
Law 42 of 1961.

PART II

ADMISSION AND REGISTRATION

Persons entitled
to practise as
advocates.

3. Subject to the provisions of this Ordinance, the following persons shall be entitled to practise as advocates in the Areas:—

- (a) a Law Officer of the Areas;
- (b) a Law Officer of the Republic;
- (c) any qualified person admitted in accordance with Sections 4 or 5 of this Ordinance;
- (d) any Republican advocate;
- (e) any member of Her Majesty’s Forces, who is a qualified person, while acting on behalf of a member of those Forces, provided that he does not receive any fee for so acting;

- (f) any officer of the Administration while acting with the written authority of the Legal Adviser in any proceedings to which the Crown, the Administrator, or any officer of the Administration in his capacity as such, is a party.

4. (1) The Senior Judge may admit to practise generally any qualified person who satisfies him that he is of good character.

Admission by
Senior Judge.

(2) The Senior Judge may exercise his powers under this section notwithstanding his absence from the Areas.

5. Any Court in the Areas may admit to practise in any specified proceedings any qualified person who is not ordinarily resident in the Island of Cyprus and who satisfies the Court that he is a person of good character.

Admission of
persons not
resident
in Cyprus.

6. (1) No qualified person admitted to practise under Sections 4 and 5 of this Ordinance shall be entitled to practise until—

Enrolment and
fees.

- (i) his name has been enrolled by the Registrar in a book to be entitled "The Register of Advocates of the Sovereign Base Areas"; and

- (ii) he has paid to the Registrar a fee of £5.

(2) No Republican advocate shall be entitled to practise until his name has been enrolled by the Registrar in accordance with the provisions of sub-section (1) (i) of this section.

(3) The Registrar shall, on the application of any person whose name appears on the Register, issue to him a certificate of enrolment under the seal of the Senior Judge's Court.

PART III

PRACTICE

7. (1) Any person who practises as an advocate without being entitled to do so under the preceding provisions of this Ordinance shall:—

Penalties for
practising as
an advocate
without being
entitled.

- (a) be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both;
- (b) be incapable of maintaining any action for the recovery of any fee, reward, costs or disbursement on account of or in relation to any act or proceedings done or taken by him in such capacity;
- (c) refund any such fee, reward, costs or disbursement collected by him to the person from whom, or on whose behalf, he has received the same.

(2) No prosecution shall be brought under sub-section (1) (a) of this section without the consent in writing of the Legal Adviser.

Liability to
pay costs.

8. (1) Where a party represented by an advocate in any proceedings before a Court is ordered to pay the costs thereof but fails to do so, the Court may order the advocate of such party to pay all or any part of such costs or make such other order as the justice of the case may require in either of the following cases:—

- (a) where it appears to the Court that the proceedings have been begun or carried on maliciously or without reasonable or probable grounds; or
- (b) where it appears to the Court that the advocate has by deceit induced his client to enter into or continue the proceedings:

Provided that, before any order is made under this section, the advocate shall be called upon by the Court to show cause why such order should not be made.

(2) Any order made under this section by the Judge's Court shall be subject to review by the Senior Judge, whose decision thereon shall be final.

PART IV

DISCIPLINE

Advocates
deemed to be
officers of
the Court.

9. Every advocate shall be deemed to be an officer of the Court and shall be liable to disciplinary proceedings as in this part provided.

Disciplinary
Committee.

10. (1) The Senior Judge may, as occasion arises, convene a Disciplinary Committee to exercise disciplinary jurisdiction over any advocate.

(2) The Disciplinary Committee shall consist of the Senior Judge and either two other Judges or one other Judge and the Legal Adviser.

Disciplinary
offences and
proceedings.

11. (1) Proceedings may be instituted against an advocate before the Disciplinary Committee by a complaint laid—

- (a) by the Legal Adviser of his own motion or upon the direction of a Judge; or
- (b) with the leave of a Judge by any person aggrieved by the conduct of the advocate.

(2) In any case where proceedings have been instituted against a Republican advocate before the Disciplinary Committee

the Legal Adviser shall, if so directed by the Senior Judge, refer the complaint to the appropriate authorities of the Republic and thereupon the proceedings before the Disciplinary Committee shall be stayed until the Senior Judge otherwise directs.

(3) If any advocate is convicted by any Court in the Island of Cyprus of any offence which, in the opinion of the Disciplinary Committee, involves moral turpitude or if such advocate is, in the opinion of the Disciplinary Committee, guilty of disgraceful, fraudulent or unprofessional conduct, the Disciplinary Committee may:—

- (a) order the name of the advocate to be struck off the Register or, if his name is not enrolled thereon, disqualify him from practice as an advocate;
- (b) suspend the advocate from practising for such period as the Disciplinary Committee may think fit;
- (c) order the advocate to pay, by way of fine, any sum not exceeding five hundred pounds;
- (d) warn or reprimand the advocate;
- (e) make such order as to the payment of the costs of proceedings before the Disciplinary Committee as the Disciplinary Committee may think fit.

(4) The Disciplinary Committee shall forthwith send to the Registrar—

- (a) a copy of every complaint laid against an advocate in pursuance of sub-section (1) of this section;
- (b) a copy of its decision upon every such complaint, and upon receipt thereof the Registrar shall make any necessary entry in the Register.

(5) The decision of the Disciplinary Committee upon any complaint shall be final, but at any time after the expiration of one year from the date of an order that the name of an advocate be struck off the Register or that an advocate be disqualified or suspended from practice, the Senior Judge may convene the Disciplinary Committee for the purpose of considering and deciding whether the order should be revoked or varied, and if the Disciplinary Committee decide that the order should be revoked or varied they shall notify the Registrar of their decision in order that he may amend the Register accordingly.

(6) The Disciplinary Committee, in conducting any proceedings, shall have the same powers, and shall conduct the proceedings, as if it were a Court and any decision of the Disciplinary Committee shall be deemed to be an Order of a Court and shall be enforced in the same manner as such an Order.

(7) For the purposes of sub-section (3) of this section, an advocate shall be deemed to be guilty of unprofessional conduct if his conduct is such that, if it had taken place in the Republic, it would have constituted a breach of, or failure to observe, rules made by the Bar Council under sub-section (1) of Section 24 of the Republican Advocates Law.

(8) Notice of every decision of the Disciplinary Committee shall be published in the Gazette unless the Senior Judge otherwise directs.

Effect in the Areas of names of Republican advocates being struck off, or restored to, the Republican Roll of Advocates.

12. The name of any Republican advocate which is, in pursuance of the Republican Advocates Law, struck off the Republican Roll of Advocates shall, if it appears on the Register, be struck off the Register by the Registrar: provided that if in pursuance of the Republican Advocates Law it is subsequently restored to the Republican Roll of Advocates the Registrar shall thereupon restore it to the Register unless the Senior Judge otherwise directs.

PART V

GENERAL

Legal Adviser to be Head of the Bar in the Sovereign Base Areas.

13. The Legal Adviser shall, in relation to advocates, exercise the powers in the Areas normally exercised in England in respect of the Bar by the Head of the Bar and the Bar Council of England and in respect of solicitors by the Law Society of England with the exception of those powers exercised by a Disciplinary Committee under the provisions of this Ordinance.

Power to make rules.

14. The Administrator, with the advice and assistance of the Senior Judge, may make rules for the better carrying into effect of the purposes of this Ordinance and any such rules shall be published in the Gazette.

Cap. 2 and Cap. 13 of the Laws of Cyprus (as adapted) repealed.

15. The Advocates Ordinance and the Legal Representation of Members of Her Majesty's Forces Ordinance are hereby repealed.

I.M.G. WILLIAMS,

Chief Officer.

9th August, 1962.