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SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3685 OF 26TH APRIL, 1953.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 19 OF 1953.

A LAW TO AMEND THE CUSTOMS LAW.

CAP. 292
5 of 1952

A. B. WRIGHT,]

[24th April, 1953.

Governor.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

1. This Law may be cited as the Customs (Amendment) Law, 1953, and shall be read as one with the Customs Law (hereinafter referred to as "the principal Law").

Short title.
Cap. 292
5 of 1952

Amendment
of section 2
of the
principal
Law.

2. Sub-section (1) of section 2 of the principal Law is hereby amended as follows:—

(a) by the insertion therein in their proper alphabetical places of the following definitions:—

“ ‘ export ’ with its grammatical variations and cognate expressions means to convey goods from a port or shipping place in the Colony to a place outside the Colony ;

‘ import ’ with its grammatical variations and cognate expressions means the bringing of goods into or within the Colony by sea or air from a place outside the Colony ; ”.

(b) by the substitution for the definition “ the Customs ” of the following definition:—

“ ‘ the Customs ’ means the Department of Customs and Excise ; ”.

Repeal of
section 29
of the
principal
Law and
substitution
of new
section.

3. Section 29 of the principal Law is hereby repealed and the following section substituted therefor:—

“ Containers
of playing
cards, etc.,
to be
enclosed in
banderoles.

29.—(1) The container of any playing cards, cigars, cigarettes and other manufactured tobacco imported into the Colony shall, when cleared for home consumption and before delivery from Customs control, be enclosed in a banderole printed by authority of the Comptroller, of such type and in such manner as may be approved by him.

(2) Any playing cards, cigars, cigarettes and other manufactured tobacco not contained in a container enclosed in a banderole as aforesaid, found in the Colony in any place other than in or upon any ship or aircraft and borne upon the manifest thereof or properly kept therein as ship's or aircraft's stores or otherwise, shall be deemed to be smuggled goods :

Provided that nothing in this section contained shall apply to any imported playing cards, cigars, cigarettes and other manufactured tobacco, cleared for home consumption by, or found in the possession of, any person or institution privileged under any Law, Regulation or Convention to enjoy exemption from import duty thereon or found not contained in a container enclosed in a banderole in the possession of a person for his reasonable personal or domestic requirements.”

4. Section 75 of the principal Law (as amended by section 8 of Law 5 of 1952) is hereby amended as follows:—

Amendment of section 75 of the principal Law.

(a) by the deletion of the word "or" at the end of paragraph (h);

(b) by the substitution for the comma at the end of paragraph (i) of a semicolon and the insertion thereafter of the word "or";

(c) by the insertion, immediately after paragraph (i), of the following paragraph:—

"(j) makes, uses, sells, obtains or has in his possession any labels purporting to be prescribed banderoles or any labels being imitations of such banderoles or any banderoles previously used or unlawfully obtained,".

5. Section 76 of the principal Law is hereby amended by the substitution for paragraph (a) of the following paragraph:—

Amendment of section 76 of the principal Law.

"(a) delivers, removes or withdraws any goods from any ship, wharf or other place, where such goods are under Customs control, previous to their examination by a Customs officer or without the authority of the Collector;".

6. Sub-section (2) of section 86 of the principal Law is hereby amended by the substitution for the word "were" (line 2) of the word "where".

Amendment of section 86 of the principal Law.

7. The principal Law is hereby amended by the insertion therein, immediately after section 86, of the following sections:—

Amendment of the principal Law by the insertion of new sections 86A and 86B.

"Ships and boats to bring to.

86A. The Commander or Officer in charge of any ship or boat in Her Majesty's Service or in the service of the Customs, such ship or boat having hoisted and carrying the proper ensign or Customs flag, may pursue any ship within territorial waters which does not bring to when lawfully signalled or required to do so, and may adopt such means and use such reasonable amount of force as may be necessary to compel such ship to bring to.

Customs officers may board, etc., ships hovering within territorial waters.

86B.—(1) Any Customs officer may require the master of any ship hovering within the territorial waters of the Colony to depart, and if such ship shall not depart forthwith, may board and search her:

Provided that if any ship, not exceeding two hundred and fifty tons registered tonnage, is found hovering within the territorial waters

of the Colony in circumstances as to lead to a reasonable suspicion that such ship is engaged in smuggling, any Customs officer may bring such ship into the nearest convenient port and there search her.

(2) Any master of a ship who refuses to depart when so required under sub-section (1) of this section, or who in any way hinders or delays any Customs officer in the exercise of any of his duties under sub-section (1) of this section, shall be guilty of an offence.

Penalty: Two years imprisonment."

Repeal of section 89 of the principal Law and substitution of new section.

8. Section 89 of the principal Law is hereby repealed and the following section substituted therefor:—

"Forfeiture of ships, other means of conveyance and smuggled goods.

89.—(1) The following ships, not exceeding two hundred and fifty tons registered tonnage, shall be forfeited:—

- (a) all ships used in smuggling or knowingly used in the unlawful conveyance of any smuggled or forfeited goods;
- (b) all ships found within the territorial waters of the Colony failing to bring to for boarding upon being lawfully required to do so;
- (c) all ships hovering within the territorial waters of the Colony and not departing forthwith after being required to depart by a Customs officer;
- (d) all ships from which any goods are thrown overboard, staved or destroyed, to prevent seizure by the Customs;
- (e) all ships found within any port with cargo on board and afterwards found light or in ballast or with the cargo deficient and the master of which is unable to account lawfully for the difference;
- (f) all ships found within the territorial waters of the Colony having false bulkheads, false bows, sides or bottoms or any secret or disguised place adapted for the purpose of concealing goods or having any hole, pipe or other device adapted for the purpose of running goods.

(2) The owner of any ship exceeding two hundred and fifty tons registered tonnage which would be forfeited if the ship were two hundred and fifty tons registered tonnage or less shall be liable to a penalty not exceeding one thousand pounds and the ship may be detained until the penalty is paid or until security is given for its payment.

(3) All means of conveyance, other than a ship as in sub-section (1) of this section provided, knowingly used in the removal, carriage or conveyance of smuggled goods, shall be forfeited.

(4) All smuggled goods, wherever found in the Colony, shall be forfeited."

9. The principal Law is hereby amended by the insertion therein, immediately after section 89, of the following section :—

" Protection to persons lawfully making detention, etc.

89A. No person lawfully making any detention or seizure under this Law and no person rendering assistance to any such person under the provisions of section 88 shall be liable to any prosecution or action at Law on account thereof."

Amendment of the principal Law by the insertion of new section 89A.

10. Part I of the First Schedule to the principal Law is hereby amended by the following deletions, substitutions and insertions :—

Amendment of the First Schedule to the principal Law.

(a) by the deletion of item 4 ;

(b) by the substitution for item 23 (as amended by section 11 (v) of Law 5 of 1952) of the following item :—

" 23. Chemicals, excluding spirits and edible salts not otherwise specified *ad valorem* 10 per cent. 15 per cent.;"

(c) by the substitution in sub-paragraph (i) of paragraph (a) of item 53 (as set out in paragraph (xii) of section 11 of Law 5 of 1952) for the words "Bars, rods, angles, channels, joists and sheets (excluding galvanized)," (lines 1 and 2) of the following words :—

" Bars, rods, flats, angles, channels, sections, tees, beams, joists, girders, pillars cast in one piece, plates and sheets (excluding galvanized) " ;

(d) by the insertion therein immediately after item 60 of the following new item :—

" 60A. Lime hydrated, when imported by a manufacturer of gypsum products 2 per cent. 10 per cent.;"

(e) by the substitution for item 67 of the following item :—

" 67. Motor vehicles and tractors :

(a) passenger cars .. *ad valorem* 15 per cent. 30 per cent.

(b) lorries, buses, chassis and vans *ad valorem* 15 per cent. 30 per cent.

(c) wheeled tractors not for agricultural purposes *ad valorem* 15 per cent. 30 per cent. ;

- (d) three-wheeled vehicles not otherwise specified *ad valorem* 15 per cent. 30 per cent.
- (e) parts thereof (excluding batteries, tyres and tubes) *ad valorem* 15 per cent. 30 per cent.”;
- (f) by the substitution for item 68 of the following item :—
 “68. Motor cycles, side cars, and motor tricycles, and parts thereof (excluding batteries, tyres and tubes) *ad valorem* 15 per cent. 35 per cent.”;
- (g) by the substitution for item 69 of the following item :—
 “69. Musical instruments and parts thereof not otherwise specified *ad valorem* 20 per cent. 28 per cent.”;
- (h) by the substitution for item 77 of the following item :—
 “77. Provisions and beverages not otherwise specified (including dietary supplements, tonic and patent foods and beverages) in bottles, jars and tins or in carton and cellophane wrappers (excluding foods made solely from cereal grains) *ad valorem* 20 per cent. 28 per cent.”;
- (i) by the insertion in item 82 after the word “ salt ” of the words “ (sodium chloride) ”;
- (j) by the insertion therein immediately after item 89 of the following new item :—
 “89A. Sports requisites and gear (excluding wearing apparel and footwear) *ad valorem* 16 per cent. 24 per cent.”;
- (k) by the substitution for item 96 (a) (as set out in paragraph (xxi) of section 11 of Law 5 of 1952) of the following item :—
 “(a) Planks, boards, logs, beams and rafters of mahogany, walnut, oak and teak *ad valorem* 3 per cent. 4½ per cent.”;
- (l) by the substitution for item 96 (c) of the following item :—
 “(c) Plywood *ad valorem* 10 per cent. 20 per cent.”.

Amendment
of the
Second
Schedule to
the principal
Law.

II. The second Schedule to the principal Law is hereby amended by the following deletions, substitutions and insertions :—

- (a) by the deletion of items 43, 47, 68 and 81 ;
- (b) by the substitution for item 21 of the following new item :—
 “21. Books and printed reading matter of all descriptions (including musical scores and compositions) and printed matter and show cards which the Comptroller is satisfied are only capable of use for advertising purposes.”;
- (c) by the substitution for item 38 of the following item :—
 “38. Cocoa, in powder form, containing no milk or sugar”;

(d) by the deletion from item 38A (as set out in paragraph (g) of section 12 of Law 5 of 1952) of the word "Collapsible" (line 1) and the substitution for the immediately following word "carton" of the word "Carton";

(e) by the insertion immediately after item 38A of the following new items:—

"38B. Containers (metal), of a capacity not less than half a ton which the Comptroller is satisfied will be used as containers for exporting vine products.

38C. Cork, that is to say—

Cork discs which the Comptroller is satisfied are imported for the manufacture in the Colony of crown corks by a person carrying on such manufacture.";

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38D inserted by section 3(i) of 27/53

(f) by the substitution for item 41 of the following item:—

"41. Cylinders containing gas (the gas being dutiable unless specifically exempted) the ownership of which remains with the foreign supplier when the gas is sold for home consumption.";

(g) by the substitution for item 44 (as set out in paragraph (h) of section 12 of Law 5 of 1952) of the following item:—

"44. Disinfectants, fungicides, insecticides, pesticides, vermicides, and weed killers and materials for the manufacture of insecticides and pesticides.";

(h) by the insertion immediately after item 51 of the following item:—

"51A. Fire Extinguishers.";

(i) by the deletion from item 54 of the words ", taken in the waters of the Colony";

(j) by the insertion immediately after item 62 of the following new item:—

"62A. Fuel taken on board aircraft engaged solely in spraying, dusting or other pest control of crops or plants in the Colony:

Provided that the Director of Agriculture certifies that any aircraft in respect of which exemption is claimed under this item was actually so engaged between such dates as are specified by him in such certificate.";

(k) by the insertion at the end of item 69 (as set out in paragraph (n) of section 12 of Law 5 of 1952) of the following:—

"For the purposes of this item, members of Her Majesty's Forces shall include such persons as may be authorized in that respect from time to time by the Colonial Secretary."

(l) by the substitution in item 75 (as set out in paragraph (p) of section 12 of Law 5 of 1952) for the first five lines of the following :—

“ 75. Hotel furniture, that is to say, the following :—

- (i) Bedsteads, mattresses, blankets, quilts, pillows, bedspreads, linen, carpets, curtains and curtain materials, sun umbrellas and sun-blinds ;
- (ii) Table hardware, glass and china ;
- (iii) Baths and basins, clothes washing and pressing machines, dish-washing machines, mixing, mincing and slicing machines for kitchen use ;
- (iv) Refrigerators, electric fans and radiators, fixed radiators for heating systems, air-conditioning and sanitary apparatus, electrical installations (viz. necessary to provide complete wiring of an hotel) ;
- (v) Parts of any article in (i) and (ii) above ;
- (vi) Glazed flooring and wall tiles ; and
- (vii) Pianos,

where the Comptroller is satisfied that the following conditions are complied with :—” ;

(m) by the insertion in item 79 (as set out in paragraph (q) of section 12 of Law 5 of 1952) immediately after the words “ pipes of ” (line 1) of the words “, aluminium and ” ;

(n) by the insertion immediately after item 79 of the following new item :—

“ 79A. Jute yarns which the Comptroller is satisfied are imported for the manufacture of sacks and sacking material by a person carrying on such manufacture.” ;

(o) by the substitution for item 85 (as set out in paragraph (s) of section 12 of Law 5 of 1952) of the following item :—

“ 85—(1) Machinery, that is to say—

- (i) machines consisting of a combination of moving parts and mechanical elements requiring to be put in motion by electrical, manual, mechanical or physical force ;
- (ii) component parts of such machines for replacing similar component parts of such machines ; and
- (iii) transmission and conveyor belting, whether made up or in the length ;

for any of the following purposes (excluding the servicing of road or air transport) :—

- (a) agriculture ;
- (b) industry and manufacture ;
- (c) printing and bookbinding (excluding duplicating machines and parts thereof) ;
- (d) electric light and power services ;
- (e) marine services ;
- (f) railway services ;
- (g) water and oil boring ;
- (h) pumping ;
- (i) prospecting for any mineral in the Colony or developing any industry in connection with any such mineral.

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(2) Apparatus and appliances (including component parts and such fittings thereof as are so constructed as to be ready, without further fabrication, for attachment to such apparatus or appliances) for assembly on or with, or to be connected to or with, any machinery of the types specified in paragraph (1) and for the purposes specified in sub-paragraphs (a) to (i) thereof.

(3) Apparatus and appliances (including component parts and such fittings thereof as are so constructed as to be ready, without further fabrication, for attachment to such apparatus or appliances), though not requiring to be assembled on or with, or to be connected to or with, any machinery specified in paragraph (1) the use of which is, in the case of the following sub-paragraphs thereof:—

- (a) necessary and appropriate to any preparation or processing of products of the soil ;
- (b) essential and peculiar to any process of industry or manufacture, as the case may be ;
- (c) essential and peculiar to that industry ;
- (d) essential and peculiar to the generation or distribution of electric current ;
- (e) essential and peculiar to shipbuilding or ship repairing, or to the repair of marine engines or the operating-machinery or gear of ships ;
- (f) appropriate and necessary for the laying or maintenance of rail track or for the maintenance of locomotives or rolling stock :
 Provided that rails, railway track-work, sleepers, bearing- and fish-plates, dog-spikes and fish-bolts (as ordinarily understood in Railway terminology) shall be included as fittings, for the purpose of this sub-paragraph ;
- (g) essential and appropriate to the prospecting for or raising and distribution—in the case of water, or in boring for, preparation of, and distribution of mineral oil ;
- (h) essential and peculiar to the raising of water ;
- (i) essential and appropriate to an enterprise for this purpose :

Provided that, except as specified in sub-paragraph (f), the term ' fittings ' shall not include any article or thing, the principal use or purpose of which is not attachment to or assembly with any apparatus or appliance mentioned in paragraph (2) or (3) :

Provided further that—

- (i) in respect of any article in paragraph (3), a certificate, issued by the Colonial Secretary or other Officer acting on his behalf, that the person named therein is the owner, person in charge of or controlling an undertaking of the kinds specified in sub-paragraphs (a) to (i) inclusive of paragraph (1), shall be produced to the Comptroller ;
- (ii) any articles specified in paragraph (3) shall be imported by or on behalf of, for the sole use and not for sale by the person named in the certificate mentioned in sub-paragraph (i) of this proviso ;
- (iii) the importer declares, and the Comptroller is satisfied, that the articles will be used solely in accordance with the provisions of sub-paragraphs (a) to (i) inclusive of paragraph (3) and, where any article is imported for any industrial or manufacturing process, the particular use of such article shall be specified by the importer on the declaration of the goods to be delivered to the Collector under section 26 of this Law.” ;

- (p) by the insertion in item 86 and immediately between the words "poles" and "lines" (line 1) of the words "the preservative known as 'cobra salts,'";
- (q) by the substitution for item 87 of the following item:—
 "87. Materials, other than timber or manufactured wood articles, which the importer declares and the Comptroller is satisfied are for the manufacture of matches.";
- (r) by the insertion in item 91 after the words "and appliances" of the words "and parts thereof";
- (s) by the insertion immediately after item 102 of the following new item:—
 "102A. Motors, electric, and other prime movers of or exceeding 1 brake horse power, and parts thereof (including fixing brackets therefor) excluding types normally fitted on land vehicles for propulsive or starting purposes.";
- (t) by the substitution in item 104 for the words "the officers" (line 1) of the word "members"; for the word "officers" (line 4) of the word "members" and for the words "such officer" in the proviso (line 2) (as set out in paragraph (u) of section 12 of Law 5 of 1952) of the words "such member";
- (u) by the substitution for item 113 of the following item:—
 "113. Paper and transparent cellulose sheet certified as imported for use in wrapping bottles of wine, spirit, fruit or vegetables for export, being of such distinctive colour and bearing such distinctive mark as the Comptroller may approve.";
- (v) by the insertion therein immediately after item 113 of the following item:—
 "113A. Paper—
 Corrugated carton paper which the importer declares and the Comptroller is satisfied are imported for the manufacture of carton boxes in the Colony by a person carrying on such manufacture.";
- (w) by the substitution for item 118 of the following item:—
 "118. Petroleum products, the following:—
 fuel oils, other than motor and aviation spirit derived from petroleum.";
- (x) by the insertion in item 125 after the words "printers type" (line 1) of the words "including type cupboards and drawer trays";
- (y) by the substitution for item 126 of the following item:—
 "126. Printing paper (excluding paper for use with duplicators) which the importer declares and the Comptroller is satisfied is for use in printing newspapers, books, leaflets, pamphlets and posters.";

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(z) by the insertion immediately after item 146 of the following new item :—

“ 146A. Stationery, that is to say, exercise books, pencils, pen holders, pen nibs, ink (liquid or powder), erasers, rulers, blotting paper and registers imported by the Director of Education and certified by him to be exclusively for use in schools in the Colony and to be distributed by him direct to schools and not through any intermediary.”;

(aa) by the insertion in item 163 after the words “ any parts thereof ” of the following words “ (including the chemicals known as “ Zeo-carb ” and “ De-acidite ”) ;

(bb) by the insertion immediately after item 163 of the following new item :—

“ 163A. Weighbridges and parts thereof (including weights designed for use therewith).”;

(cc) by the substitution for item 166 of the following item :

“ 166. Wine : Appliances for use in the manufacture and examination of wine and preparations for use in the preservation, clarification or decolouring thereof, provided that the Director of Agriculture, or any other person duly authorized by him, is satisfied that they are to be used for any of the aforesaid purposes.”;

(dd) by the insertion immediately after item 167 of the following item :—

“ 167A. Wire, that is to say—

hard drawn steel nail wire, which the importer declares and the Comptroller is satisfied is imported for use in the manufacture in the Colony of nails by a person carrying on such manufacture.”;

(ee) by the deletion from item 170 of the words “ possessing a printing press under the provisions of the Press Law, Cap. 136,” (line 4) and the substitution for the words “ possessing the printing press ” (line 6) of the words “ importing the material ”.

12. Part B of the Fifth Schedule to the principal Law (under the heading “ Wharfage Dues for Exports ”) is hereby amended by the substitution for item 4 of the following item :

Amendment of the Fifth Schedule to the principal law.

“ (4) Carobs—

whole, ground or kibbled, seed, gum and germ . . . $0\frac{3}{4}$ p. per kantar of 180 okes.”

13. The amendments in the second column of the Schedule (which relate to consequential matters and matters of minor detail) shall be made in the provisions of the principal Law, specified in the first column of the Schedule.

Consequential and minor amendments. Schedule.

SCHEDULE.
(Section 13.)

Enactment amended.	Amendment.
Section 33 (as set out in section 3 of Law 5 of 1952).	For the word "goods" (line 2) the words "imported goods" shall be substituted and for the words "be imported into the Colony" (lines 3 and 4) the words "be cleared" shall be substituted.
Section 34.	(a) In sub-section (1) for the words "The goods specified in the Second Schedule, when imported into the Colony," (lines 1 and 2) the words "The goods specified in the Second Schedule, when cleared for consumption in or for exportation from the Colony," shall be substituted. (b) In the proviso thereto for the words "free importation" (line 3) the words "exemption from import duty" shall be substituted and for the words "its free importation was permitted" (lines 8 and 9) the words "exemption from import duty was granted" shall be substituted.
Section 49.	In paragraph (c) for the words "of the importation" (lines 2 and 3) the words "of clearance or taking out of bond for home consumption" shall be substituted.
Section 54.	For the words "have not been declared at the time of importation" (line 5) the words "are not specified in any declaration, required under this Law or any Regulations thereunder, when such declaration is delivered to the Collector" shall be substituted.
Second Schedule.	(a) In paragraph (a) (line 1) and in sub-paragraph (iii) (lines 2 and 3) of paragraph (b) of the proviso to item 1B (as set out in section 12 of Law 5 of 1952) for the word "importation" the words "clearance from Customs" shall be substituted. (b) In sub-paragraphs (i) (line 2) and (ii) (line 2) of paragraph (b) of the proviso to item 34A (as set out in section 12 of Law 5 of 1952) for the word "import" the words "clearance from Customs" shall be substituted. (c) In the proviso to item 66 for the word "importation" (line 2) the words "clearance from Customs" shall be substituted. (d) In paragraph (1) (line 4) and in paragraph (2) (lines 5 and 9) of item 103 for the word "importation" the words "clearance from Customs" shall be substituted.
Fifth Schedule.	(a) In item 4 of paragraph (C) of Part (A) thereof (under the heading "Exemptions") (as set out in paragraph (c) of section 14 of Law 5 of 1952) for the word "importation" (lines 1 and 2) the word "clearance from Customs" shall be substituted. (b) In item 1 of paragraph (C) of Part (B) thereof (under the heading "Wharfage Dues for Exports") (as set out in paragraph (b) of section 15 of Law 5 of 1952) for the words "Government of any department" the words "Government or any department" shall be substituted.

J. F. SYMONS,

Acting Colonial Secretary.

24th April, 1953.