

The Defence (Exportation of Goods) Order of 1993

P.I. 175/1993

The Defence (Exportation of Goods) Order of 1993 issued by the Council of Ministers under section 5 of the Supply and Services (Continuance of the Transitional Powers) Law, Cap. 175A, deposited to and approved by the House of Representatives and published in the Official Gazette of the Republic.

The Supply and Services (Continuance of the Transitional Powers) Law (CAP 175A)

Regulations by virtue of section 5

Cap. 175A	In exercise of its powers vested in it by section 5 of the Supply and Services (Continuance of the Transitional Powers) Law, Cap. 175A, the Council of Ministers hereby issues the following Regulations.
Short title	1. This Law shall be cited as the Defence (Exportation of Goods) Regulation of 1993.
Interpretation 82 of 1967 57 of 1969 4 of 1971 45 of 1973 12 of 1977 104 of 1987 98 of 1989 5 of 1991	2. In these Regulations, unless the context otherwise requires - "export and exportation" for the purposes of application of these Regulations acquires the meaning that the Customs Houses and Consumers Taxes Law assigns to these terms and includes re-exportation and transit; "exported goods" means movable things that can be exported; "licence" means an export licence issued by virtue of Regulation 3; "Minister" means the Minister of Commerce and Industry and includes any officer of the Minister, authorised in writing to act on his behalf, other than the officers mentioned in Regulation 3; "Ministry" means the Ministry of Commerce and Industry; "Order" means the order issued by virtue of Regulation 3.
Restriction and regulation of the exportations	3. (1) The Minister may, by the issue of an order published in the Official Gazette of the Republic, prohibit the exportation, reexportation or transit of goods with any destination, as prescribed by the Order, where the restriction and regulation of specific goods is deemed necessary for the maintenance of any stock of supplies

needed to provide for the local market demands, for compliance with the commercial obligations of Cyprus or for purposes of maintaining or restoring the peace and security at any place in the world or for purposes of application of measures that are concluded due to a disturbance or threatened disturbance of the international peace or public order or where this is deemed necessary for reasons of public interest.

(2) Any such Order may include such subsidiary or supplementary provisions that are deemed necessary by the Minister for the better implementation of this Order and, without prejudice to the generality of the above provision, any such Order may provide for the granting of a licence, issued by an authorised officer of the Ministry, for the exportation of such goods.

Issue etc. of a licence.
annex I, Form.

4. (1) Where the issue of an exportation licence is considered necessary in accordance with the provisions of any Order, this licence must be in conformity with the approved Form, as described in the First Annex of these Regulations.

(2) The Minister has the discretion -

(a) to grant or refuse such licence;

(b) to issue such licence subject to terms that are deemed necessary by him and are set out in the licence;

(c) to revoke, suspend or amend the issued licence or the terms subject to which the licence was issued:

Provided that, the revocation, suspension or amendment of the licence or the terms subject to which the licence was issued and continues to apply in its original form, shall be prohibited, where an irrevocable credit was opened or a contractual obligation was created under the terms of the licence, until the irrevocable credit or contractual obligation ceases to be in force.

For the exportation of goods, the presentation of a licence is necessary

5. The exportation of the goods, for which an exportation licence is required under the provisions of these Regulations, shall be prohibited until this licence is presented to the customs officer.

Power of the Minister to require the presentation of documents etc.

6. The Minister may require that -

(a) every applicant for an exportation licence submits all the necessary documents and provides all the relevant information that the Minister deems necessary for the complete and proper exercise of his powers and duties set out in these Regulations and to this effect, the applicant is obliged to present immediately all the necessary documents

and to provide the information.

(b) any licence issued by virtue of these Regulations is submitted and the person who has the duty to submit the licence must do so immediately;

(c) anyone claiming that a contractual obligation was created, as provided by paragraph (2) of Regulation 4 of these Regulations, must present within forty eight hours evidence that fully proves -- according to the Minister's opinion -- the creation of such a contractual obligation.

Power of the Minister to demand the submission of a report with facts.

7. The Minister may, by a written notification and when he deems this necessary for the better regulation of the exportations and the precise implementation of these Regulations, demand from any person or group of persons who run a professional business or deal with the trade in goods to notify to him, within a fixed period of time specified in the written notification, a report with facts indicating the quantity, value and other data relevant to the goods that have been produced or have come to their possession during the aforementioned period, as the Minister specifies in his written notification.

Offences

8. (1) Any person, legal or natural, who knowingly -
(a) contravenes or fails to comply with the terms of the exportation licence;

(b) for the purpose of obtaining a licence or for any purpose mentioned in the Regulations 6 and 7, makes any oral or written declaration or notifies false information or presents documents which to his knowledge are false or which is false in any particular material;

(c) exports or attempts to export any goods, whose exportation is restricted or regulated under these Regulations, in contravention of these Regulations or the Order issued by virtue of these Regulations, shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding three (3) years or to a fine not exceeding 1,500 pounds or to both of these penalties:

Provided that, the provisions of subsection 1(c) of this Regulation shall not apply to any good that is exported from the Republic in good faith, during the departure of a person from the Republic, if at the time of his departure the person declares the relevant goods to the Customs Authorities and secures a licence under these Regulations.

(2) Any person, natural or legal, who -

(a) fails to present any document or provide information, in contravention of the provisions of paragraph (a) of Regulation 6 or fails to furnish the licence, in contravention of paragraph (b) of Regulation 6; or

(b) fails to submit a report if so required by virtue of Regulation 7, shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding three (3) years or to a fine not exceeding 1,500 pounds or to both of these penalties.

Confiscation of goods.

9. Where a person is convicted for an offence under these Regulations, the Court which convicts the person may, if it deems necessary under the circumstances of the case, order the confiscation of all the goods relating to the offence.

Offences committed by legal or natural persons.

10. Where an offence under these Regulations is committed by a natural or legal person, the managers, the partners or other persons involved in the management of such an organisation shall be severally liable and subject to criminal prosecution and shall be punished as if they have personally committed the specific offence, unless the act or omission relating to the offence was not in their knowledge or they had no involvement or complicity whatsoever in it.

Entry into force, revocation and reservations Official Gazette of the Republic, Third Annex(I). Reference numbers of the relevant notifications are mentioned.

11. (1) These Regulations shall enter into force on the date prescribed by the Council of Ministers, by notification published in the Official Gazette of the Republic.

(2) Upon the entry into force of these Regulations, the Defence (Exportation of Goods) Regulations of 1956 and 1990 and the relevant notifications published in the period of 1956 until 1992 shall be repealed:

Provided that the exportation licences issued by virtue of the corresponding repealed Regulations and relate to goods, the exportation of which is restricted or regulated by these Regulations, shall continue to be in force and shall be considered as licences issued under these Regulations.