

No. 293.

THE OLIVES AND OTHER CROPS (PROTECTION) LAW, 1938.

NOTICE UNDER SECTION 3 (2).

In exercise of the powers vested in him by sub-section (2) of section 3 of the Olives and Other Crops (Protection) Law, 1938, His Excellency the Governor, upon the recommendation of the District Council (Mejlis Idaré) in the District of Paphos, has been pleased to suspend during the year 1943 the operation of paragraph (a) of sub-section (1) of section 3 of the said Law in respect of all the villages and groups of villages situate within the District of Paphos.

Dated the 14th day of August, 1943.

By His Excellency's Command,

H. G. RICHARDS,

Acting Colonial Secretary.

(M.P. 1490/37.)

No. 294. THE DEFENCE REGULATIONS, 1940 TO (No. 1) 1943. ✓

ORDER MADE BY THE COMPETENT AUTHORITY UNDER REGULATION 61.

In exercise of the powers vested in me by virtue of my appointment by the Governor as the Competent Authority for the purposes of regulation 61 of the Defence Regulations, 1940 to (No. 1) 1943, I hereby order as follows:—

1. This Order may be cited as the Defence (Licensing of Certain Goods) Order, 1943.

2.—(1) From and after the date of the publication of this Order in the *Gazette* no person shall deal, sell or have in his possession or control any of the goods described in the First Schedule hereto without a licence from the Commissioner of the District:

Provided that nothing in this clause shall apply to any goods in the possession or under the control of any person if such goods—

(a) are the produce of Cyprus and have been grown by such person;

(b) being foodstuffs—

(i) are held by such person for his reasonable domestic requirements for one month or for such other period as may be provided under any other order with regard to such foodstuffs in force for the time being;

(ii) are held in premises occupied by keepers of restaurants or coffee shops for consumption on such premises by the public.

(2) A licence may be issued or refused at the discretion of the Commissioner of the District.

3. Any person desiring to obtain a licence under this Order shall apply to the Commissioner of the District in the form set out in the Second Schedule hereto giving the particulars therein set out.

4. A licence issued under this Order may contain such terms, limitations and conditions as the Commissioner of the District may think fit to impose.

5.—(1) Every licence issued under this Order shall expire on the 31st day of December next following the date of issue but may be cancelled before that date by the Commissioner of the District if the holder thereof is convicted by a Court for any contravention of this Order or of any term, limitation or condition contained in any licence issued to the holder under this Order, or of any other order made by a Competent Authority—

(a) for controlling the prices at which any articles may be sold; or

(b) for regulating or prohibiting the treatment, keeping, storage, movement, transport, sale, purchase, distribution or use of any articles; or

(c) for regulating or prohibiting the slaughter of animals.

(2)—(a) Upon the expiration of a licence issued under the provisions of this Order, the same may be renewed or not at the discretion of the Commissioner of the District.

(b) The renewal of any such licence may be granted upon presentation of such licence to the Commissioner of the District without any application in that behalf under clause 3 of this Order and may be effected by a note to that effect made thereon, subject to such terms, limitations and conditions as the Commissioner of the District may think fit to impose upon such renewal.

(c) The provisions of this Order shall apply to a licence renewed as in this sub-clause provided as they apply to the original licence issued under the provisions of clause 2 of this Order.

6. When the Commissioner of the District refuses to renew any licence upon its expiration, the following provisions shall have effect, that is to say:—

(a) for the purpose of enabling the holder of the expired licence to dispose of such of the goods, described in the licence, as may be in his possession or

under his control on the day of the expiration of his licence, the Commissioner shall grant permission to the holder of such licence, by an endorsement thereon, to deal, sell or have in his possession or control any such goods as aforementioned, for such period not exceeding three months, as the Commissioner may in each case determine;

- (b) during the period covered by the endorsement the holder of the expired licence shall comply with the terms, limitations and conditions contained in such licence and with such further terms, limitations and conditions as the Commissioner of the District may think fit to impose when making the endorsement on such licence;
 - (c) upon the conviction by a Court of the holder of an expired licence endorsed as in paragraphs (a) and (b) of this clause, for any contravention—
 - (1) of this Order;
 - (2) of any term, limitation or condition contained in such licence or of any further term, limitation or condition which may have been imposed when making the endorsement on such licence;
 - (3) of any other Order made by a Competent Authority—
 - (i) for controlling the prices at which any articles may be sold;
 - (ii) for regulating or prohibiting the treatment, keeping, storage, movement, transport, sale, purchase, distribution or use of any article;
 - (iii) for regulating or prohibiting the slaughter of animals,
- the Commissioner of the District may cancel such licence and thereupon the provisions of clause 8 of this Order shall have effect and shall apply *mutatis mutandis* in the case of such cancellation as they have effect and apply to the case of cancellation of a licence issued under the provisions of clause 2 of this Order;
- (d) any goods to which this Order applies found in the possession or under the control of the holder of an expired licence after the expiration of the period in respect of which the endorsement was made shall vest in the Commissioner of the District and the provisions of paragraphs (b), (c) and (d) of clause 8 of this Order shall apply *mutatis mutandis* to such goods as they apply to goods vesting in the Commissioner of the District under the provisions of that clause;
 - (e) the provisions of clauses 9 and 13 of this Order shall apply *mutatis mutandis* to an expired licence endorsed as in paragraphs (a) and (b) of this clause as they apply to any licence issued under the provisions of clause 2 of this Order.

7. Any person aggrieved by any decision of the Commissioner of the District taken under clause 2, 4, 5 or 6 of this Order may, within ten days from the date thereof, appeal to the Governor in Council whose decision thereon shall be final and conclusive:

Provided that if the holder of the licence appeals to the Supreme Court against the conviction in respect of which the licence is cancelled as well as to the Governor in Council against a decision taken under clause 5 (1) or paragraph (c) of clause 6 of this Order, the Governor in Council shall not consider the appeal to him unless the appeal to the Supreme Court has been dismissed by that Court.

8. Upon the conviction by a Court of any person for any contravention of clause 2 of this Order, or upon the cancellation of a licence issued to any person, the following provisions shall have effect, that is to say:—

- (a) all goods in respect of which any person has been convicted or in respect of which the licence was issued shall vest in the Commissioner of the District;
- (b) if the goods are of a perishable nature the Commissioner of the District shall forthwith sell such goods and shall pay to the person convicted or the holder of the licence, as the case may be, (hereinafter referred to as "the person convicted") such sum in respect of such goods as the person convicted would be entitled to receive on a sale thereof under any order in force for the time being relating to the maximum price at which such goods may be sold or, if no such order has been made, such sum as the Commissioner of the District is satisfied represents a fair market price for such goods less a percentage, in either case, not exceeding twenty per centum:

Provided that if the person convicted appeals—

- (i) to the Governor in Council under the provisions of clause 7 hereof against the decision of the Commissioner cancelling the licence, and the appeal is successful; or
- (ii) to the Supreme Court against his conviction, and the conviction is quashed,

then and in every such case, the Commissioner shall pay to him the full value of such goods assessed at the maximum price at which such goods could be sold under any order in force for the time being, without any deduction or, if no such order has been made respecting such goods, a sum

which the Commissioner is satisfied represents a fair market value of such goods on the day of the sale ;

- (c) if the goods are not of a perishable nature the Commissioner of the District shall not dispose of the goods until the lapse of ten days from the date upon which he gave his decision for the cancellation of the licence or from the date of the pronouncement of sentence by the Court on the person convicted or if such person has appealed to the Governor in Council or to the Supreme Court, until the determination of such appeal by the Governor in Council or the Supreme Court, as the case may be, and :—
- (i) if the person convicted has not appealed or if the appeal is dismissed, the Commissioner of the District shall sell such goods and shall pay to the person convicted such sum in respect of such goods as the person convicted would be entitled to receive on a sale thereof under any order in force for the time being relating to the maximum price at which such goods may be sold or, if no such order has been made, such sum as the Commissioner of the District is satisfied represents a fair market price for such goods, less a percentage, in either case, not exceeding twenty per centum, or
- (ii) if the appeal is successful, such of the goods as have not been sold under paragraph (b) hereof shall revert in the person convicted and the licence, if any, shall be reinstated and the Commissioner shall, in respect of any goods sold under paragraph (b) hereof, pay to the person convicted an amount which the Commissioner is satisfied represents a fair market value of such goods on the day of the sale ;
- (d) pending the sale of any goods following the cancellation of a licence the person convicted shall permit the goods to remain on the premises set out in his licence, without the payment of any rent or other compensation whatsoever.

9. A licence issued under this Order shall be exhibited by the holder in a conspicuous place in such premises as may be specified in the licence.

10. The Commissioner of the District may appoint inspectors for the purposes of this Order and every inspector so appointed shall have power to enter at all times, at all reasonable hours, upon any premises for the purpose of carrying out any inspection or search which may be reasonably required in order to ascertain whether the provisions of this Order have been, or are being complied with.

11.—(1) The First Schedule to this Order may be amended by me by notice published in the *Gazette* and upon such publication such amendment shall form part of this Order for all purposes.

(2) If in consequence of any amendment made under this clause it is necessary to amend any licence issued under the provisions of this Order such licence shall be amended by an endorsement on such licence.

12. The provisions of this Order as to licensing shall be in addition to and not in derogation of any other provision requiring any person to obtain a licence in respect of any trade, business or goods under any Law or public instrument.

13. Any person who acts in contravention of any of the provisions of this Order or of any term, limitation or condition contained in any licence issued to such person under this Order is, in addition to any vesting of goods as provided for by this Order, liable to the penalties prescribed in regulation 94 of the Defence Regulations, 1940 to (No. 1) 1943.

14. The Defence (Licensing of Dealers of Certain Goods) Orders, 1942 to 1943, are hereby revoked without prejudice to anything done or left undone thereunder :

Provided that any licence issued under the Orders hereby revoked and subsisting on the date of the publication of this Order in the *Gazette* shall be deemed to be a licence issued under and for the purposes of this Order.

Gazettes:
Supplement
No. 3 :

26. 2.1942
23. 4.1942
5. 5.1942
16. 7.1942
26.11.1942
24.12.1942
10. 6.1943

FIRST SCHEDULE.

(Clause 2.)

1. Beans and peas, dried, of all varieties.
2. Barley.
3. Boots, shoes and sandals.
4. Building materials.
5. Cheese, local.
6. Cloth, textiles, woven fabrics and wearing apparel of every description.
7. Coffee.
8. Cutlery.
9. Drugs and pharmaceutical preparations.
10. Flour :
 - (a) Imported,
 - (b) An admixture of 70% of wheat flour and 30% barley flour.

11. Glass and crockery.
12. Iron and all engineering or building materials.
13. Leather.
14. Lentils.
15. Macaroni, locally made.
16. Meat, fresh, within—
 - (i) the limits of any Municipal Corporation ;
 - (ii) the villages of Trakhonas, Omorphita, Beuyuk Kaimakli, Palouriotissa, Ayii Omoloyitadhos, Strovolos, Engomi and Ayios Dhometios in the District of Nicosia.
17. Margarine.
18. Matches.
19. Oils, edible, of all varieties other than olive oil.
20. Onions.
21. Potatoes.
22. Rice.
23. Sesame.
24. Soda crystals.
25. Sugar.
26. Timber.
27. Tinned, bottled, dried or preserved commodities of any description used for human consumption and flavouring matters or other condiments used in the preparation of human food.
28. Wheat.
29. Hides and Skins.
30. Soap.
31. Bicycle Parts and Accessories.

SECOND SCHEDULE.

The Defence (Licensing of Certain Goods) Order, 1943—(Clause 3).

APPLICATION UNDER CLAUSE 3.

To the Commissioner of.....

I,....., of, hereby apply, under clause 3 of the Defence (Licensing of Certain Goods) Order, 1943, for a licence to deal, sell or have in my possession or control the following goods, that is to say :—

..... (give description of goods)
 at..... (give full address of the premises
 at which goods are found).

Date..... (Signature of Applicant).....

R. N. HENRY,
 Controller of Supplies,
 Competent Authority.

(M.P. 1095/41/2.)

No. 295.

THE DEFENCE (CONTROL OF SALE PRICES OF SCHEDULED ARTICLES
 CONSOLIDATION ORDERS, 1940 TO 1942.

NOTICE NO. 115 UNDER CLAUSE 13.

A.—The Schedule is hereby amended by the deletion therefrom of part 15 and the substitution therefor of the following part :—

“PART 15.—COWPEAS (Louvia).

(1)		(2)
		Price to producers.
Cowpeas (louvia)		2 shillings per oke.”