

No. 25 OF 1930.

TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE STORAGE, TRANSPORT AND SALE OF EXPLOSIVES AND PETROLEUM. A.D. 1930.
25 of 1930.

H. HENNIKER-HEATON.]

[May 23, 1930.]

Be it enacted:—

1. This Law may be cited as the Explosives and Petroleum Law, 1930. Short title.

2. In this Law and in any rules or bye-laws made hereunder— Interpretation.

“Explosive Substance” means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and includes fog signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive substance as above defined;

“Petroleum” includes any inflammable liquid or substance which is derived from petroleum, coal or any other bituminous substance or from any of their products comprised in the following two classes, that is to say, (1) “Petroleum Class A” which includes the products known as Kerosene, Illuminating Oil, Paraffin Oil, Lamp Oil, and other petroleum having a flashpoint not below 76° but below 150° Fahrenheit, and (2) “Petroleum Class B” which includes the products known as Fuel Oil, “Mazut” Diesel Oil, Solar or Gas Oil, and other petroleum having a flashpoint not below 150° but below 300° Fahrenheit;

“Dangerous Petroleum” includes the products usually known as Aviation Spirit, Benzine, Gasolene, Petrol, Motor Spirit, Petrolene, Mineral Naphtha, Artificial Turpentine, Turpene, Drialene, Crude Petroleum, Low Flash Distillates, and other petroleum having a flashpoint below 76° Fahrenheit;

“Inflammable Substance” means petroleum, dangerous petroleum and any other substance to which Part II. or any portion of Part II. of this Law has been or shall be applied by an Order of the Governor in Council;

“Transport” means to remove from any place to any other place within Cyprus;

“Place” includes houses, yards and open spaces appurtenant thereto, buildings, footways;

“Licensed Store” means a place licensed for the storage of petroleum or dangerous petroleum under sections 15 and 16 of this Law.

PART I.

STORAGE AND SALE OF EXPLOSIVES.

Extension of definition of explosive to other explosive substance.

3. The Governor in Council may by Order declare that any substance which appears to him to be specially dangerous to life or property by reason of its explosive properties, shall be deemed to be an explosive substance within the meaning of this Law, and the provisions of this Law (subject to such exceptions, limitations and restrictions as may be specified in the Order) shall accordingly extend to such explosive substance in like manner as if it were included in the term “Explosive Substance” in this Law.

Licence to store or keep explosives necessary. Power to Licensing Authority.

4.—(1) Save under the provisions of section 6 of this Law no gunpowder, cartridges or other explosive substance shall be stored or kept in any place except under licence of the Governor (hereinafter in this Law referred to as the Licensing Authority).

(2) Such licences may be granted subject to such terms and conditions (including the fixing of rent or fees to be charged) as to the Licensing Authority seem fit. Provided that no such licence shall be granted unless and until the place to be licensed has been inspected and approved by the Director of Public Works or by some person thereunto authorised by him in writing and provided further that such place shall be liable to inspection at any time by the Director of Public Works or by some person duly authorised on his behalf.

(3) Every licence shall set out the quantity of gunpowder, cartridges or other explosive substance which may be stored or kept and the terms and conditions on which the licence is granted.

(4) If at any time it appears to the Licensing Authority that the place licensed has become unfit for the purpose for which it was licensed by reason of the increase of building or of population in its neighbourhood, or that from any other cause any licence should for the public safety be cancelled, or on report from the Director of Public Works that such licensed place is unfit for the purpose for which it was licensed, or that such licensed place requires repairs or alterations thereto, or if the person or Municipal authority to whom such licence is granted commits a breach of any of the terms and conditions of such licence, the Licensing Authority may cancel the same without notice and without compensation or may require such person or Municipal authority to execute such repairs or to make such alterations to such licensed place as shall be specified in writing by the Director of Public Works within a time to be fixed by the Licensing Authority and on failure to do or to complete the said repairs or alterations thereto within the time fixed, the Licensing Authority may forthwith cancel such licence.

5.—(1) No such gunpowder, cartridges or other explosive substance whilst so stored or kept in any place shall be removed or dealt with except under such rules as the Governor or any person duly authorised by him shall from time to time issue in that behalf.

Explosive substance, etc., whilst stored or kept not to be dealt with except under Rules made by the Governor.

(2) Any person removing any such gunpowder, cartridges, or other explosive substance from such place or otherwise dealing with the same in contravention of any rules so made as aforesaid, shall be liable to a penalty not exceeding one hundred pounds for each such offence.

Penalty.

6.—(1) Without a licence as aforesaid no person shall store or keep in any place a greater quantity than ten okes or twenty-eight pounds of gunpowder or cartridges at the same time, nor any quantity whatever of any explosive substance other than gunpowder or cartridges.

Prohibition of storage of explosive substance without licence.

(2) Any person who shall have in his possession in contravention of this section a larger quantity of gunpowder or cartridges than ten okes or twenty-eight pounds, or any quantity whatever of any other explosive substance shall be guilty of an offence and shall be liable for each such offence in respect of gunpowder or cartridges to a

Penalty.

fine not exceeding one pound per oke and in respect of any other explosive substance to a fine not exceeding one hundred pounds, and any gunpowder or cartridges or other explosive substance kept in contravention of this section shall be forfeited.

Provided always that in estimating the quantity of cartridges the storage or keeping of which is not prohibited by virtue of this section the weight of the gunpowder only shall be taken into consideration.

Power of Commissioners and Police to inspect licensed premises.

7. Any Commissioner or any Police Officer of the rank of Sub-Inspector or over, shall have power to make such examination and enquiry as may be necessary to ascertain whether this Part of this Law is complied with and for that purpose—

(1) He may enter, inspect and examine any premises named in any licence granted in pursuance of this Law and every part thereof in which any explosive substance is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and

(2) He may require the occupier of any such premises which he is entitled under this section to enter, or a person employed by such occupier therein, to give him samples of any explosive substance therein or of any substance therein, the keeping of which is restricted or regulated by this Law, or of any substance therein which such Commissioner or Police Officer believes to be an explosive substance.

The occupier of every such premises, his agents and servants shall furnish the means required by such Commissioner or Police Officer as necessary for every such entry, inspection and examination.

Offences and penalties.

8. Any person who shall—

(1) sell any gunpowder, cartridges or other explosive substance to a child apparently under the age of fourteen years, or

(2) prevent or hinder any person duly making an examination or enquiry under section 7 of this Law, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding two months.

9. The Governor may by Order appoint magazines or public storehouses for the storage, warehousing or temporary deposit of explosive substances and may make rules regulating the use and management thereof, and the rent or fees to be charged for the storage or warehousing of explosive substances therein.

Appoint-
ment of
magazines.

10. The Governor in Council may by Order make rules to be published in the *Cyprus Gazette* regulating the landing, transshipment, transport, storage and warehousing of explosive substances or the temporary deposit thereof upon importation, and the terms upon which licences for the keeping and sale of explosive substances may be issued, and generally provide for the better carrying out of the provisions of this Law.

Power to
provide for
landing,
storage,
licensing,
etc.

Such rules may impose penalties for the breach thereof, not exceeding a fine of ten pounds or imprisonment not exceeding one month.

PART II.

TRANSPORT AND STORAGE OF PETROLEUM AND DANGEROUS PETROLEUM.

11.—(1) No person or Municipal authority shall transport or cause to be transported any petroleum or dangerous petroleum except under this Law or any rules or bye-laws made hereunder.

Transport of
petroleum
or dangerous
petroleum.

(2) Any person or Municipal authority who commits a breach of this section shall be liable to a fine not exceeding fifty pounds.

Penalty.

12.—(1) No person or Municipal authority shall transport or cause to be transported between sunset and sunrise any larger quantity of petroleum or dangerous petroleum than that prescribed by rules made under this Law.

Petroleum
or dangerous
petroleum
not to be
transported
between
sunset and
sunrise.

(2) Nothing in this section shall apply to dangerous petroleum contained in the supply tanks of motor cars, motor lorries or any other vehicle, the impelling power of which is obtained from dangerous petroleum.

(3) Any person or Municipal authority who commits a breach of any rules so made shall be liable to a fine not exceeding twenty-five pounds.

13. No person or Municipal authority shall store or keep any petroleum or dangerous petroleum in any place except under and in accordance with this Law or any rules or bye-laws made hereunder.

Storage of
petroleum or
dangerous
petroleum.

Storage of petroleum or dangerous petroleum without a licence.

14.—(1) Without a licence no person or Municipal authority shall in or about any place, store or keep any larger quantity of petroleum or dangerous petroleum than :—(a) fifty gallons of Petroleum Class A, (b) one hundred gallons of Petroleum Class B, (c) twelve gallons of dangerous petroleum.

Penalty.

(2) The owner or occupier of any place in which any petroleum or dangerous petroleum is stored or kept in contravention of this section or of any of the terms or conditions of any licence shall be liable to a fine not exceeding fifty pounds and the petroleum or dangerous petroleum so stored or kept shall, together with the vessel containing it, be forfeited.

Power to Licensing Authority.

15.—(1) The Licensing Authority may grant licences as provided in section 16 of this Law for storing or keeping such larger quantities of petroleum or dangerous petroleum than are mentioned in section 14 (1) of this Law.

(2) Such licences may be granted subject to such terms and conditions as to the Licensing Authority seem fit. Provided that no such licence shall be granted unless and until the place to be licensed has been inspected and approved by the Director of Public Works, or by some person thereunto authorised by him in writing, and provided further that such place shall be liable to inspection at any time by the Director of Public Works or by some person duly authorised on his behalf.

(3) Every licence shall set out the quantity of petroleum or dangerous petroleum which may be stored or kept and the terms and conditions on which the licence is granted.

(4) Fees shall be paid annually therefor to the Government according to such scale as is prescribed by rules made by the Governor in Council under this Law.

(5) The places licensed by the Licensing Authority shall be subject to such rules as are made by the Governor in Council under this Law.

(6) If at any time it appears to the Licensing Authority that the place licensed has become unfit for the purpose for which it was licensed by reason of the increase of building or of population in its neighbourhood, or that from any other cause any licence should for the public safety be cancelled, or on report from the Director of Public Works that such licensed place is unfit for the

purpose for which it was licensed, or that such licensed place requires repairs or alterations thereto, or if the person or Municipal authority to whom such licence is granted commits a breach of any of the terms and conditions of such licence, the Licensing Authority may cancel the same without notice and without compensation or may require such person or Municipal authority to execute such repairs or to make such alterations to such licensed place as shall be specified in writing by the Director of Public Works within a time to be fixed by the Licensing Authority and on failure to do or to complete the said repairs or alterations thereto within the time fixed, the Licensing Authority may forthwith cancel such licence.

(7) The power of granting, refusing or cancelling licences vested in the Licensing Authority by this Part of this Law may be exercised by any person or persons thereunto authorised by the Governor in writing.

(8) Any person or Municipal authority feeling aggrieved by any decision of the Licensing Authority in granting, refusing or cancelling any licence under this Part of this Law may appeal to the Governor in Council, who may vary, amend or disallow such decision, and in the case of a refusal to grant a licence may direct a licence to be granted.

16. The licences referred to in section 15 of this Law may be granted by the Licensing Authority as follows:— To whom licences may be granted.

(a) To a Municipal authority at any place within the limits of a Municipal town, village or place, called a Municipal Store Licence.

(b) To any person at any place within the limits of a Municipal town, village or place, called a Municipal Private Store Licence.

(c) To any person residing at any other place within Cyprus, called a Private Store Licence.

17.—(1) Every Municipal authority shall frame and submit for approval to the Governor bye-laws fixing the rent to be paid for the storage of petroleum or dangerous petroleum in any place for which a Municipal Store Licence has been granted, and the fees to be paid on introducing into or bringing within the limits of the Municipality any petroleum or dangerous petroleum for sale or otherwise, whether it is stored or not within the limits of the Municipality. Provided that no fees shall be payable in respect of Municipal authorities shall make bye-laws fixing storage fees, etc.

dangerous petroleum contained in the supply tanks of motor cars, motor lorries, or any other vehicle, the impelling power of which is obtained from dangerous petroleum.

(2) All bye-laws framed by a Municipal authority and approved by the Governor shall be published in the *Cyprus Gazette*, and shall take effect from the date of publication, or from such time as may be prescribed by the bye-laws.

(3) The Governor may, by Order published in the *Cyprus Gazette*, revoke and cancel any bye-laws approved by him under this Part of this Law, if it shall appear to him that the bye-laws have become useless, obsolete or inequitable, and thereupon such bye-laws shall cease to be in force.

Search for
petroleum
or dangerous
petroleum.

18.—(1) Where any Court is satisfied by complaint on oath that there is reasonable ground to believe that any petroleum or dangerous petroleum is being stored, kept, sent, conveyed, or exposed for sale, within the jurisdiction of the Court in contravention of this Law or any rules or bye-laws made hereunder at any place, whether a building or not, or in any vehicle, the Court shall grant a warrant by virtue whereof it shall be lawful for any person named in the warrant to enter the place or vehicle named in such warrant and every part thereof and examine it and search for petroleum or dangerous petroleum therein; and, if any petroleum or dangerous petroleum is found therein, which is stored, kept, sent, conveyed or exposed for sale in contravention of this Law or any rules or bye-laws made hereunder, to seize and remove the petroleum or the dangerous petroleum and the vessel containing it.

(2) Any person seizing any petroleum or dangerous petroleum in pursuance of this section shall not be liable to any suit for detaining it or for any loss or damage incurred in respect of the petroleum or dangerous petroleum otherwise than by any wilful act or neglect while it is so detained.

(3) Any person who, by himself or by any one in his employ or acting by his directions or with his consent, refuses or fails to admit into any place occupied by him or under his control any person with a warrant of the Court demanding to enter in pursuance of this section, or in any way obstructs or prevents any person from making any such search, examination, or seizure as authorised by this section, shall on conviction forfeit all petroleum

or dangerous petroleum which is found in his possession or under his control, in addition to and independently of any other punishment to which he may be liable under any other Law.

19. The Governor in Council may from time to time by Order to be published in the *Cyprus Gazette* direct that this Part of this Law or any portion thereof shall apply to any inflammable substance, and from time to time revoke or vary such Order; and this Part of this Law or such portion thereof as may be specified in the Order shall during the continuance of the Order be construed and have effect as though such substance had been included in the definition of petroleum or dangerous petroleum in this Law, subject to the following qualification:—

Application of Law to other substances.

The quantity of any such substance which may be stored or kept without a licence shall be such quantity only as is specified in that behalf in the Order, or, if no quantity is specified, no quantity may be stored or kept without a licence.

20. All powers given by this Law shall be deemed to be in addition to and not in derogation of any other powers vested in or conferred on the Governor or Harbour Authority by any Law or custom; and the Governor and Harbour Authority may exercise such other powers in the same manner as if this Law had not been enacted; and nothing in this Law contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

Reservation of previous powers with respect to inflammable substances.

21.—(1) The Governor in Council may by Order make rules to be published in the *Cyprus Gazette* for carrying out any of the purposes of this Part of this Law.

Power to Governor in Council to make rules.

(2) In particular and without prejudice to the foregoing power such rules may be in respect of all or any of the following purposes:—

(a) The tests to be applied to all petroleum or dangerous petroleum to ascertain its flashpoint and the methods of applying the same;

(b) to determine the standard of petroleum or dangerous petroleum;

(c) to regulate the licensing and management of places for storing or keeping petroleum or dangerous petroleum;

(d) to regulate the transport of petroleum or dangerous petroleum ;

(e) to determine the construction and materials of any places in which petroleum or dangerous petroleum may be stored ;

(f) to regulate the method in which petroleum or dangerous petroleum shall be stored in any place ;

(g) to determine the materials and appliances to be used for preventing or extinguishing fire in any licensed store ;

(h) to fix fees for the licences issuable under this Part of this Law.

(3) Such rules may impose penalties for the breach thereof, not exceeding a fine of ten pounds or imprisonment not exceeding one month.

PART III.

SALE OF EXPLOSIVE AND INFLAMMABLE SUBSTANCES WITHIN MUNICIPAL AREAS.

Municipal
authority
may restrict
sale.

22.—(1) Every Municipal authority may frame and submit for approval to the Governor bye-laws defining the parts of the town or village within the Municipal limits in which any explosive substance, petroleum or dangerous petroleum or other inflammable substance may be sold and exposed for sale, and declare what explosive substance, petroleum, dangerous petroleum or other inflammable substance may be sold in any part so defined.

(2) All bye-laws framed by a Municipal authority and approved by the Governor shall be published in the *Cyprus Gazette*, and shall take effect from the date of publication or from such time as may be prescribed by the bye-laws.

Sale in
other places
unlawful.

23.—(1) When any such bye-laws have been approved by the Governor and published in the *Cyprus Gazette*, it shall not be lawful for any person to sell or expose for sale any explosive substance, petroleum or dangerous petroleum or other inflammable substance to which the bye-laws apply, in any place within the Municipal limits other than a place defined by the bye-laws.

(2) The Governor may by Order published in the *Cyprus Gazette* suspend the operation of any such bye-laws from the date of the publication thereof until such day as he shall think fit.

(3) The Governor may, by Order published in the *Cyprus Gazette*, revoke or cancel any bye-laws approved by him under this Part of this Law, if it shall appear to him that the bye-laws have become useless, obsolete, or inequitable, and thereupon such bye-laws shall cease to be in force.

24.—(1) Every person who sells or exposes for sale any explosive substance, petroleum, dangerous petroleum or other inflammable substance in contravention of any such bye-laws shall be guilty of an offence and shall be liable to a fine not exceeding five pounds for the first offence and ten pounds for any subsequent offence.

Penalty on
contraven-
tion of
bye-laws.

(2) All fines recovered in respect of any such offence shall be paid into and form part of the Municipal fund of the Municipal town village or place in which the offence has been committed.

Fines to be
paid to
Municipal
fund.

PART IV.

MISCELLANEOUS.

25. Any person or Municipal authority who commits a breach of any of the provisions of this Law for which no penalty is specially provided shall be liable on conviction to a fine not exceeding fifty pounds.

Penalty
where not
otherwise
provided.

26. All fines imposed under this Law in cases where the offence is committed within the limits of a Municipality, except where the offence is committed by a Municipal authority shall, if paid, be paid into and form part of the Municipal fund.

Application
of fines.

27. All forfeitures under this Law may be sold or otherwise disposed of as the Governor may direct.

Disposal of
forfeitures.

28. If at any time it shall appear to the Governor that there are no bye-laws for the time being in force under this Law within the Municipal limits of any town, village or place, the Governor may by notice require the Municipal authority concerned to frame and submit to him bye-laws for the purposes of this Law; and if such Municipal authority makes default in framing bye-laws and obtaining approval thereof within the time limited by the notice, the Governor in Council may make bye-laws for the purpose of this Law and such bye-laws shall have the same effect as if they had been framed by such Municipal authority and approved by the Governor.

Governor in
Council may
frame bye-
laws if Muni-
cipal autho-
rity makes
default in
so doing.

Saving.

29.—(1) All Orders in Council, Orders, Regulations, Rules and Bye-laws made by the Governor in Council or the Governor under any of the Laws hereby repealed shall be deemed to have been made under this Law and shall remain in force until replaced, revoked or cancelled.

(2) All bye-laws made by a Municipal authority under any of the Laws hereby repealed shall be deemed to have been made under this Law and shall remain in force for a period of six months from the date of the coming into operation of this Law, and no longer, unless replaced, revoked or cancelled earlier.

(3) All buildings approved by the Governor for the storage of gunpowder, cartridges or other explosive substance under any of the Laws hereby repealed shall be deemed to be places duly licensed by the Licensing Authority under this Law for the storage of gunpowder, cartridges and other explosive substance for a period of six months from the date of the coming into operation of this Law, and no longer.

(4) All buildings in which petroleum, dangerous petroleum or other inflammable substance is kept or stored by a Municipal authority by virtue of any power under any of the Laws hereby repealed shall be deemed to be places for which a Municipal Store Licence has been granted under this Law for a period of six months from the date of the coming into operation of this Law, and no longer.

(5) All licences granted by a Municipal authority or a Commissioner of a district for the storage of petroleum, dangerous petroleum or other inflammable substance by virtue of any of the Laws hereby repealed shall be deemed to be Municipal Private Store Licences or Private Store Licences, as the case may be, under this Law for a period of six months from the date of the coming into operation of this Law, and no longer.

Date of
coming into
operation
and repeal.

30. This Law shall come into operation on a date to be fixed by notice by the Governor in the *Cyprus Gazette* and thereupon the Explosives and Petroleum Laws, 1882 and 1924, shall be repealed.

*This Law was published in the Cyprus Gazette No. 2059
of the 28th May, 1930.*