
CUSTOMS (REQUIREMENT TO DECLARE CASH INSTRUMENTS AND GOLD)
ORDINANCE 2009

An Ordinance to require the declaration of cash instruments and gold above a fixed sum on entering or leaving the Areas

J. H. GORDON
ADMINISTRATOR

9th November 2009.

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

1. Short title

This Ordinance may be cited as the Customs (Requirement to Declare Cash Instruments and Gold) Ordinance 2009.

2. Interpretation

In this Ordinance—

“Cash” means—

- (a) bearer-negotiable instruments including monetary instruments in bearer form such as travellers cheques, negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title passes upon delivery and incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee’s name omitted;
- (b) currency (banknotes and coins that are in circulation as a medium of exchange);

“Gold” means gold coins and gold bars of international standard but does not include gold used for commercial or industrial purposes;

“Officer” means the Fiscal Officer or an officer of customs and excise as defined in the Customs Ordinance 2005(a).

3. Obligation to declare

- (1) Persons described in subsection (2) must declare any amount of cash or gold of a value of €10,000 or more in their possession to an officer.
- (2) Subsection (1) applies to persons on entering or leaving the Areas other than when entering or leaving the territory of the Republic including any area on the Island of Cyprus not under the effective control of the government of the Republic.

4. Failure to declare

- (1) A person who fails to make a declaration in accordance with section 3 or who makes a false or incomplete declaration commits an offence and is liable to a fine of €50,000.
- (2) The cash or gold in relation to which a person has failed to make a declaration under section 3 or has made a false or incomplete declaration may be detained as liable to forfeiture and the procedure for the condemnation of the seized cash or gold is as set out in Schedule 1 to the Customs Ordinance 2005.

5. Power to compound

- (1) The Fiscal Officer may compound any proceedings for an offence under section 4 on such terms as the Fiscal Officer thinks proper and on payment of a sum of money not exceeding the maximum penalty provided for the offence.
- (2) On payment of a sum of money in accordance with subsection (1), no further proceedings for that offence are to be taken against that person.

6. Customs Ordinance 2005 applies

This Ordinance is to be treated as customs legislation for the purposes of the Customs Ordinance 2005 and that Ordinance applies accordingly.

7. Power to make regulations and issue notices

The Chief Officer may make regulations or issue notices in order to make further provision for the better application of this Ordinance.

8. Repeal and revocation

The Exchange Control Ordinance**(b)** and the Exchange Control (Amendment) Ordinance 1972**(c)** are repealed and all the public instruments**(d)** made under the Exchange Control Ordinance are revoked.

9. Commencement

This Ordinance comes into force on the day that it is published in the Gazette.

Notes

(a) Ordinance 16/05.

(b) Cap. 199, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

(c) Ordinance 6/72.

(d) Public Instruments 55/67, 19/72, 44/78, 45/78, 89/89, 90/89, 91/89, 63/95, 22/96, 77/99 and 78/99.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Customs (Requirement to Declare Cash Instruments and Gold) Ordinance 2009 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The Ordinance replicates the effect of the Republic’s Control of Cash Entering or Leaving the Community and the Application of Intra-Community Controls on Cash Law 2009 (53(I)/2009). This Republican law implemented EU Regulation 1889/2005 on controls of cash entering or leaving the Community.
3. The Ordinance makes it a criminal offence to fail to declare or make a false declaration in relation to amounts of cash, cash equivalent or gold of a value of €10,000 or more when entering or leaving the Areas other than when travelling to or from the Republic of Cyprus including any area on the island of Cyprus not under the effective control of the government of the Republic. The Areas are defined to mean the Sovereign Base Areas in the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (Ordinance 5/68) and that definition applies to all Ordinances.

