

*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

<b>Legislation incorporated in this Consolidation</b>	<b>Ordinance</b>	<b>Date in Force</b>
Criminal Code	Cap 154	16/8/1960
Criminal Code (Amendment) Ordinance, 1963	11/1963	18/4/1963
Criminal Code (Amendment) (No.2) Ordinance, 1963	17/1963	25/7/1963
Criminal Code (Amendment) Ordinance, 1966	10/1966	10/6/1966
Criminal Code (Amendment) Ordinance, 1972	8/1972	5/9/1972
Criminal Code (Amendment) Ordinance, 1973	1/1973	10/1/1973
Criminal Code (Amendment) Ordinance, 1979	7/1979	30/8/1979
Criminal Code (Amendment) Ordinance, 1982	8/1982	19/11/1982
Criminal Code (Amendment) Ordinance, 1987	7/1987	15/4/1987
Criminal Code (Amendment) Ordinance, 1989	24/1989	21/12/1989
Criminal Code (Amendment) Ordinance 1997	2/1997	17/12/1997
Criminal Code (Amendment) Ordinance 2000	1/2000	3/3/2000
Criminal Code (Amendment) Ordinance 2000	19/2000	21/11/2000
Criminal Code (Amendment) Ordinance 2001	15/2001	31/8/2001
Criminal Code (Amendment) Ordinance 2003	7/2003	26/2/03
Criminal Code (Amendment) Ordinance 2005	2/2005	11/2/2005
Criminal Code (Amendment) (No. 2) Ordinance 2005	31/2005	29/11/2005
Criminal Code (Amendment) Ordinance 2006	12/2006	10/8/2006
Criminal Code (Amendment) Ordinance 2007	4/2007	9/3/2007
Criminal Code (Amendment) Ordinance 2009	12/2009	22/6/2009
Human Trafficking and Exploitation Ordinance 2009 (Section 21)	25/2009	04/11/2009
Criminal Code (Amendment) (No.2) Ordinance 2009	30/2009	30/11/2009
Criminal Code (Amendment) Ordinance 2013	09/2013	01/04/2013
Criminal Code (Amendment) Ordinance 2014	15/2014	15/05/2014
Criminal Code (Amendment) Ordinance 2016	2/2016	01/02/2016

## CONTENTS

### PART 1

#### GENERAL PROVISIONS

##### Preliminary

1. Short title
2. Savings

##### Interpretation

3. General rule of construction of Law
4. Interpretation

##### Territorial Application

5. Extent of the jurisdiction of the Courts of the Colony
6. Offences committed partly in one and partly in another or other Districts

### **General Rules as to Criminal Responsibility**

7. Ignorance of law
8. *Bona fide* claims of right
9. Intention: Motive
10. Mistake of fact
11. Presumption of sanity
12. Insanity
13. Intoxication
14. Criminal responsibility of children
15. Judicial officers
16. Compulsion
17. Necessity
18. Compulsion of husband
19. Person not to be twice criminally responsible for same offence

### **Parties to offences**

20. Principal offenders
21. Offences committed by joint offenders in prosecution of common purpose
22. Counselling another to commit an offence
23. Definition of accessories after the fact
24. Punishment of accessories after the fact to felonies
25. Punishment of accessories after the fact to misdemeanour

### **Punishments**

26. Kinds of punishments
- ~~27. Sentence of death~~
- ~~28. Commutation of death sentence to sentence of imprisonment~~
29. Imprisonment
- ~~30. Flogging and whipping~~
31. Fines
32. Security for keeping the peace
33. Security for coming up for judgement
34. Court may order supervision in certain cases
35. General punishment for misdemeanour

## **PART 2**

### **OFFENCES AGAINST PUBLIC ORDER**

#### **Treason and other Offences against the Sovereign's Authority**

36. Treason by the law of England
37. Instigating invasion
38. Concealment of treason
39. Treasonable felonies
40. Preparation of war or warlike undertaking
41. Use of armed force against the Government, etc.
42. Inciting to mutiny
43. Aiding soldiers or policemen in acts of mutiny
44. Inducing soldiers or policemen to desert

45. Aiding prisoners of war to escape
46. Definition of overt act
47. Seditious conspiracy and publications with seditious intention
48. Seditious intention defined  
Innocent intention defined
49. Evidence to rebut prima facie case of publication by agent
50. Publication of false news with intent to cause fear and alarm to the public
51. Encouraging violence and promoting ill will
52. Unlawful oaths to commit capital offences
53. Other unlawful oaths to commit offences
54. Compulsion how far a defence
55. Unlawful drilling

**Offences against the Constitution and existing Social Order**

56. Membership of an unlawful association illegal  
Office holdings, etc., illegal  
Onus of proof
57. Advocating and encouraging unlawful association
58. Giving or soliciting contributions for an unlawful association
59. Possession of documents having a seditious intention and publication, etc., of propaganda of unlawful association
60. Power of arrest and seizure
61. Power to examine packages
62. Onus of Proof
63. Definition of unlawful association
- 63A. *Participation in criminal organization*
- 63B. *Participation in, and agreement to commit, crimes*
64. Industrial disturbances. Proclamation of emergency
65. Persons taking part in lock—outs and strikes during operation of a proclamation
66. Offences against the maintenance of the public service, transport, etc.
67. Prosecution by Attorney—General

**Offences affecting relations with Foreign States and External Tranquillity**

68. Defamation of foreign princes
69. Piracy

**Unlawful Assemblies, Riots and other Offences against Public Tranquillity**

70. Definitions
71. Punishment of unlawful assembly
72. Punishment of riot
73. Making proclamation for rioters to disperse
74. Dispersion of rioters after proclamation made
75. Rioting after proclamation
76. Preventing or obstructing the making of proclamation
77. Rioters demolishing buildings, etc.
78. Rioters injuring buildings, machinery, etc.
79. Riotously preventing the sailing of ship

- 80. Carrying arms to terrorise
- 81. Daggers
- 82. Carrying knives outside house prohibited
- 83. Knives at weddings, etc. prohibited
- 84. Clasp—knives
- 85. Forfeiture
- 86. Definitions
- 86A. *Handcuffs*
- 87. Forcible entry
- 88. Forcible detainer
- 89. Affray
- 90. Challenge to fight a duel
- 91. Threatening violence
- 91A. *Threats causing fear or anxiety*
- 92. Possessing firearms with intent to injure
- 93. Assembling for the purpose of smuggling
- 94. Drunkenness
- 95. Disturbance
- 95A. *Breaking of tableware in public places of entertainment*
- 96. Destruction of notices
- 97. Moslem feasts
- 98. Prevention of election by force or threats
- 99. Public insult
- 99A. *Incitement to violence, etc on grounds of sexual orientation or gender*

### **PART 3**

#### **OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY**

##### **Corruption and the Abuse of Office**

- 100. Official corruption
- 101. Extortion by public officers
- 102. Public officers receiving property to show favour
- 103. Officers charged with administration of property of a special character or with special duties
- 104. False claims by officials
- 105. Abuse of office
- 105A. *Influencing competent authority*
- 106. Prosecutions by Attorney—General
- 107. False certificates by public officers
- 108. False assumption of authority
- 109. Personating public officers

##### **Offences relating to the Administration of Justice**

- 110. Perjury and subornation of perjury
- 111. Punishment of perjury
- 112. Evidence on charge of perjury
- 113. Contradictory statements by witnesses  
Mode of proving offence
- 114. Giving false information to police officer

- 115. Effecting public mischief
- 116. Fabricating evidence
- 117. False swearing
- 118. Inducing witnesses to give false or to withhold true testimony
- 119. Deceiving witnesses
- 120. Destroying evidence
- 121. Conspiracy to defeat justice and interference with witnesses
- 122. Deterrence of judges, etc., and interference with judicial proceedings
- 123. Compounding felonies
- 124. Compounding penal actions
- 125. Advertisements for stolen property
- 126. Corruptly taking a reward

**Rescues, Escapes and obstructing Officers of Court of Law**

- 127. Rescue from lawful custody
- 128. Escape from lawful custody
- ~~129. Aiding prisoners to escape~~
- 129. *Aiding escape from lawful custody*
- 129A. *Conveying mobile telephone into police station or prison*
- 130. Refusal or neglect to aid public officer in prevention of crime
- 131. Removal, etc., of property under lawful seizure
- 132. Obstructing Court officers

**Miscellaneous Offences against Public Authority**

- 133. Frauds and breaches of trust by public officers
- 134. Neglect of official duty
- 135. Disclosure of official secrets  
Restriction of prosecutions
- 136. Disobedience to statutory duty
- 137. Disobedience of lawful orders

**PART 4**

**OFFENCE INJURIOUS TO THE PUBLIC IN GENERAL**

**Offences relating to Religion**

- 138. Insult to religion of any class
- 139. Disturbing religious assemblies
- 140. Trespassing on burial places
- 141. Uttering words with the intent to wound religious feelings
- 142. Publications insulting religion

**Destruction**

- 143. Destroying or damaging public buildings, monuments and trees

**Offences against Morality**

- 144. Definition of rape

- 145. Punishment of rape
- 146. Attempt to commit rape
- 147. Incest
- 147A. Incest by a woman*
- 148. Abduction
- 149. Abduction of girls under sixteen
- 150. Compulsion of marriage
- 151. Indecent assault on females
- 152. Indecent assault on males
- 153. Defilement of girls under thirteen years of age
- ~~154. Defilement of girls between thirteen and sixteen years of age~~
- 154. Defilement of girls between thirteen and sixteen years of age*
- 155. Defilement of idiots or imbeciles
- 156. Suppression of brothels
  - Determination of the tenancy of premises on conviction for permitting use as brothel etc.
- 157. Procuration
- 158. Allowing child or young person to frequent a brothel
- ~~159. Procuring defilement of woman by threats, or fraud or administering drugs~~
- 159. Procuring defilement of a woman or a man by threats, etc*
- 160. Householder, etc., permitting defilement of woman under thirteen years on his premises
- 161. Householder etc. permitting defilement of woman under sixteen years of age on his premises
- 162. Detention with intent or in brothel
  - Constructive detention by withholding clothes
- 163. Power of search
- 164. Person living on earnings of prostitution or persistently soliciting
- ~~165. Woman aiding, etc., for gain prostitution of another woman~~
- 166. Conspiracy to defile
- 167. Attempts to procure abortion
- 168. The like by woman with child
- 169. Supplying drugs or instruments to procure abortion
- 170. Knowledge of age of female immaterial
- ~~171. Unnatural offences~~
- ~~171. Buggery between male persons~~
- 171. Sexual intercourse between males*
- ~~172. Unnatural offence with violence~~
- 172. Buggery with violence*
- 173. Attempts
- ~~174. Unnatural offence with child under thirteen~~
- ~~174. Buggery with children under 13 years of age or with mental defectives~~
- 174. Sexual intercourse with male under thirteen years*
- ~~174A. Soliciting or importuning minors to commit buggery~~
- 175. Bestiality
- 176. Indecency
- ~~177. Obscene publications and exhibitions~~
- 177. Indecent exhibitions*

### Offences relating to Marriage and Domestic Obligations

- 178. Fraudulent pretence of marriage
- 179. Bigamy
- 180. Marriage ceremony fraudulently gone through without lawful marriage
- 181. Exposure of child
- 182. Neglect of filial duty
- 183. Power to the Court to make maintenance orders
- 184. Master not providing for servants or apprentices
- 185. Child stealing

### Nuisances

- 186. Common nuisance
- 186A. *Breach of the peace in a public place*
- 187. Use of sound amplifying instruments on or near public places
- 188. Idle and disorderly persons
- 188A. *Soliciting for customers*
- 189. Rogues and vagabonds
- 190. Negligent act likely to spread infection of diseases dangerous to life
- 191. Fouling water
- 192. Fouling air
- 193. Offensive trades

### Defamation

- ~~194. Definition of libel~~
- ~~195. Definition of defamatory matter~~
- ~~196. Publishing or threatening to publish libel, or proposing to abstain from publishing anything with intent to extort~~
- ~~197. Definition of publication~~
- ~~198. Definition of unlawful publication~~
- ~~199. Cases in which publication of defamatory matter is absolutely privileged~~
- ~~200. Cases in which publication of defamatory matter is conditionally privileged~~
- ~~201. Explanation as to good faith~~
- ~~202. Presumption as to good faith~~

## PART 5

### OFFENCES AGAINST THE PERSON

#### Murder and Manslaughter

- ~~203. Manslaughter~~

#### Premeditated murder and homicide

- 203. *Premeditated murder*
- ~~204. Murder~~
- 204. *Premeditation*
- ~~205. Punishment for murder~~
- 205. *Homicide*

- ~~206. Punishment of manslaughter~~
- ~~207. Malice aforethought~~
- 208. Killing on provocation
- 209. Infanticide
- ~~210. Causing death by want of precaution or carelessness~~
- 210. *Causing death by a reckless, rash or dangerous act*
- 211. Causing death defined
- 212. When child deemed to be a person
- 213. Limitation as to time of death

**Offences connected with *Premeditated murder* and Suicide**

- 214. Attempt to ~~murder~~ *kill*
- ~~215. Attempt to murder by convict~~
- 216. Written threats to ~~murder~~ *kill*
- 217. Conspiracy to ~~murder~~ *kill*
- ~~218. Abetting suicide~~
- 218. Criminal liability for complicity in another's suicide
- ~~219. Attempting suicide~~
- 220. Concealing the birth of child

**Duties relating to the Preservation of Life and Health**

- 221. Responsibility of person who has charge of another
- 222. Duty of head of family
- 223. Duty of master
- 224. Duty of persons doing dangerous acts
- 225. Duty of persons in charge of dangerous things

**Offences endangering Life or Health**

- 226. Disabling in order to commit felony or misdemeanour
- 227. Stupefying in order to commit felony or misdemeanour
- 228. Acts intended to cause grievous harm or prevent arrest
- 229. Preventing escape from wreck
- 230. Intentionally endangering safety of persons travelling by railway
- 231. Grievous harm
- 232. Attempting to injure by explosive substances
- 233. Maliciously administering poison with intent to harm
- 233A. *Offence of female genital mutilation*
- 233B. *Offence of assisting a non-resident of the Areas to mutilate overseas a female's genitals*
- 234. Wounding and similar acts
- 235. Failure to supply necessaries
- 235A. *Abandoning the place of the accident without rendering any assistance*

**Criminal Recklessness and Negligence**

- 236. Reckless and negligent acts
- 237. Other negligent acts causing harm



- 238. Endangering safety of persons travelling by railway
- 239. Exhibition of false light, mark or buoy
- 240. Conveying person by water for hire in unsafe or overloaded vessel
- 241. Danger of obstruction in public way or line of navigation

#### **Assaults**

- 242. Common assault
- 243. Assaults causing actual bodily harm
- 244. Assaults punishable with two years imprisonment

#### **Offences against Liberty**

- 245. Definition of kidnapping from the Colony
- 245A. *Definition of kidnapping by a parent or a person exercising joint guardianship*
- 246. Definition of kidnapping from lawful guardianship
- 247. Definition of abduction
- 248. Punishment of kidnapping
- 249. Kidnapping or abducting in order to *premeditated murder*
- 250. Kidnapping or abducting with intent secretly and wrongfully to confine person
- 251. Kidnapping or abducting in order to subject person to grievous hurt, etc
- 252. Wrongfully concealing or keeping in confinement, kidnapped or abducted person
- 253. Kidnapping or abduction child under fourteen years with intent to steal from its person
- ~~254. Unlawful compulsory labour~~

### **PART 6**

## **OFFENCES RELATING TO PROPERTY**

#### **Stealing**

- 255. Definition
- 256. Special cases
- 257. Funds, etc., held under direction
- 258. Fund, etc., received by agents for sale
- 259. Money received for another
- 260. Theft by persons having an interest in the thing stolen
- 261. Husband and wife
- 262. General punishment for theft
- 263. Stealing wills
- 264. Stealing postal matter, etc.
- 265. Stealing cattle, crops, etc.
- 266. Stealing from the person; stealing goods in transit, etc.
- 267. Stealing by persons in public service
- 268. Stealing by clerks and servants
- 269. Stealing by directors or officers of companies
- 270. Stealing by agents, etc.
- 271. Stealing by tenants or lodgers
- 272. Stealing after previous conviction

### **Offences allied to Stealing**

- 273. Concealing registers
- 274. Concealing wills
- 275. Concealing deeds
- 276. Killing animals with intent to steal
- 277. Severing with intent to steal
- 278. Fraudulently dealing with minerals in mines
- 279. Fraudulent appropriation of power and running water

### **Criminal Trespass**

- 280. Entering upon property of another with intent to commit an offence, etc.
- ~~281. Unauthorised cultivation~~ *Unauthorised occupation, cultivation, enjoyment or use*

### **Robbery and Extortion**

- 282. Definition of robbery
- 283. Punishment of robbery
- 284. Attempted robbery
- 285. Assault with intent to steal
- 286. Entering upon the property of another armed, with intent to steal
- 287. Demanding property by written threats
- 288. Attempts at extortion by threats
- 289. Procuring execution of deeds, etc., by threats
- 290. Demanding property with menaces with intent to steal
- 290A. *Forcing another to damage property*

### **Burglary, Housebreaking and similar Offences**

- 291. Definitions
- 292. Housebreaking and burglary
- 293. Entering dwelling house with intent to commit felony
- 294. Breaking into building and committing felony
- 295. Breaking into building with intent to commit felony
- 296. Person found armed, etc., with intent to commit felony

### **False Pretences**

- 297. Definition of false pretences
- 298. Obtaining goods by false pretences
- 299. Obtaining execution of security by false pretences
- 300. Cheating
- 300A. *Pyramid promotion schemes*
- 301. Obtaining credit, etc., by false pretences
- 302. Conspiracy to defraud
- 303. Fraud on sale or mortgage of property
- 304. Pretending to exercise witchcraft or tell fortunes
- 305. Obtaining registration, etc. by false pretence

#### **Cheques without Security**

~~305A. Issue of cheques without security~~

~~305A. Issue of cheques without security~~

305A. Issue of cheques without security

#### **Receivers**

306. Receiving etc.

~~307. Receiving property fraudulently obtained~~

308. Receiving after change of ownership

309. Unlawful possession of property

#### **Frauds by Trustees and Persons in a Position of Trust, and False Accounting**

310. Trustees fraudulently disposing of trust property

311. Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts

312. False statements by officials of companies

313. Fraudulent false accounting

314. False accounting by public officers

#### **Miscellaneous**

314A. Lending at excessive interest rates

### **PART 7**

## **MALICIOUS INJURIES TO PROPERTY**

### **Offences causing injury to property**

~~315. Arson~~

315. Arson

316. Attempts to commit arson

317. Setting fire to crops and growing plants

318. Attempting to set fire to crops, etc.

319. Setting fire to goods in buildings

320. Attempting to set fire to goods in building

321. Casting away ships

322. Attempts to cast away ships

323. Injuring animals

324. Punishment for malicious injuries in general

Special cases

Wills and registers

Wrecks

Railways

Deeds and records

325. Attempts to destroy property by explosives

326. Communicating infectious diseases to animals

327. Removing boundary marks with intent to defraud

328. Wilful damage, etc., to survey and boundary marks

- 329. Penalties for damage, etc., to railway works
- 330. Threats to burn, etc.

**PART 8**  
**FORGERY, COINING, COUNTERFEITING, SIMILAR OFFENCES AND**  
**PERSONATION**

**Definitions**

- 331. Definition of forgery
- 332. Document
- 333. Making a false document
- 334. Intent to defraud

**Punishment for Forgery**

- 335. General punishment for forgery
- 336. Imprisonment for ~~life~~ 14 years
- 337. Imprisonment for ten years
- 338. Imprisonment for seven years
- 338A. *Offences relating to share certificates, passports, etc*
- 339. Uttering false documents
- 340. Uttering cancelled or exhausted documents
- 341. Procuring execution of documents by false pretences
- 342. Obliterating crossings on cheques
- 343. Making documents without authority
- 344. Demanding property upon forged testamentary instruments
- 345. Purchasing forged banknotes
- 346. Falsifying warrants for money payable under public authority
- 347. Falsification of register

**Offences relating to Coin**

- 348. Definition
- 349. Counterfeiting coin
- 350. Preparations for coining
- 351. Clipping
- 352. Possession of clippings
- 353. Uttering counterfeit coin
- 354. Repeated uttering
- 355. Uttering foreign coin or metal as current coin
- 356. Exporting counterfeit coin

**Counterfeit stamps**

- 357. Possession of die used for purpose of making stamps
- 358. Paper and dies for postage stamps
- 359. Possession of plate or instrument used for purpose of making seals

**Personation**

- 360. Personation in general
- 361. Falsely acknowledging deeds, recognisances, etc.
- 362. Personation of a person named in a certificate
- 363. Lending, etc. certificate for personation
- 364. Personation of person named in a testimonial of character
- 365. Lending, etc. testimonial for personation

**PART 9**  
**ATTEMPTS AND CONSPIRICES TO COMMIT CRIMES**

**Attempts**

- 366. Attempt defined
- 367. Attempt to commit offences
- 368. Punishment of attempts to commit certain felonies
- 369. Neglect to prevent felony
- 370. Incitement to commit an offence

**Conspiracies**

- 371. Conspiracy to commit felony
- 372. Conspiracy to commit misdemeanour
- 373. Other conspiracies

**PART 10**  
**MINOR OFFENCES**

- 374. Various offences

**APPENDIX A**

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C R I M I N A L   C O D E

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A Law to provide for certain crimes and the punishment therefore and for other matters relating to the criminal law of the Colony.

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

**PART 1**  
**GENERAL PROVISIONS**

**Preliminary**

**Short title**

1. This Law may be cited as the Criminal Code.

**Savings**

**2.**—(1) *Sections 5—34 of the Ordinance apply to the liability, trial and punishment of a person for an offence established by any Ordinance or public instrument. (a)*

(2) ~~Nothing in this Law shall affect—~~ **(b)** *Apart from those sections referred to in subsection (1), nothing in this Ordinance shall affect—*

- (a) the liability, trial or punishment of a person for an offence against any Law in force in the Colony other than this Law; or
- (b) the liability of a person to be tried or punished for an offence under the provisions of any Law in force in the Colony relating to the jurisdiction of the Colonial Courts in respect of acts done beyond the ordinary jurisdiction of such Courts; or
- (c) the power of any Court to punish a person for contempt of such Court; or
- (d) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed in respect of any act done or commenced before the coming into operation of this law; or
- (e) any power of Her Majesty, or of the Governor as the representative of Her Majesty, to grant or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed; or
- (f) any Law for the time being in force for the government of Her Majesty's military or naval or air forces, or the military or police forces of the Colony:

Provided that if a person does an act which is punishable under this Law and is also punishable under another Law of any of the kinds mentioned in this section, he shall not be punished for that act both under that Law and also under this Law.

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**(a)** New subsection (1) inserted by Ordinance 4/2007 – came into force on 09 March 2007

**(b)** Substitution of text by Ordinance 4/2007 – came into force on 09 March 2007

## Interpretation

### General rule of construction of Law

3. This Law shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in English criminal law and shall be construed in accordance therewith.

### Interpretation

#### 4. In this Law —

*“cheque” means the written order of the drawer to the Bank for the payment of a specified amount to the person or company specified in the cheque, irrespective of whether it is to be paid at a time subsequent to the date of its issue or delivery and includes a crossed cheque;*

(a)

“Court” means a Court of competent jurisdiction;

“dwelling house” includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, and it is immaterial that it is from time to time uninhabited; a building or structure adjacent to or occupied or used for any purpose with a dwelling house is deemed to be part of the dwelling house if there is a communication between such building or structure and the dwelling house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

“felony” means an offence which is declared by law to be a felony, or, if not declared to be a misdemeanour, is punishable, without proof of previous conviction, ~~with death, or~~ (b) with imprisonment for three years or more,

“harm” means any bodily hurt, disease or disorder whether permanent or temporary;

“dangerous harm” means harm endangering life;

“grievous harm” means any harm which amounts to a maim or dangerous harm or seriously or permanently injures, health or comfort or which is likely so to injure health or comfort, or which extend to permanent disfigurement or to any permanent or serious injury to any external or internal organ, membrane or sense;

“judicial proceedings” includes any proceeding had or taken in or before any Court, tribunal, commission of inquiry or person in which or before whom evidence may be taken on oath, whether such Court, tribunal, commission of inquiry or person takes evidence on oath or not;

“knowingly” used in connection with any term denoting uttering or using implies knowledge of the character of the thing uttered or used;

“Law” includes any orders or rules or regulations made under the authority of any Law;

“maim” means the destruction or permanent disabling of any external or internal organ, membrane or sense;

“misdemeanour” means any offence which is not a felony;

“money” includes currency notes, bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money;

“Municipal authority” means a Municipal Council, Municipal Commission, or other body duly authorised by law to exercise Municipal authority and government;

“night” or “night time” means the interval between half past six o’clock in the evening and half past six o’clock in the morning;

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(a) Definition inserted by Ordinance 2/2005 – came into force on 11 February 2005

(b) Text deleted by Ordinance 1/2000 – came into force on 3 March 2000

“oath” includes affirmation or declaration;

“offence” is an act, attempt or omission punishable by law;

“person” and “owner” and other like term when used with reference to property includes corporations of all kinds and any other association or person capable of owning property, and also when so used includes Her Majesty;

“person employed in the public service” means any person holding any of the following offices or performing the duty thereof, whether as a deputy or otherwise, namely:—

- (a) any civil office including the office of Governor, the power of appointing a person to which or of removing from which is vested in Her Majesty, or in the Governor or in the Governor in Council or in any public commission or board; or
- (b) any office to which a person is appointed or nominated by law or by election; or
- (c) any civil office, the power of appointing to which or removing from which is vested in any person or persons holding an office of any kind, included in either of the two last preceding paragraphs of this definition; or
- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any Court, or in pursuance of any Law;

and the said term further includes:—

- (i) a member of a commission of inquiry appointed under or in pursuance of any Law;
- (ii) any person employed to execute any process of a Court;
- (iii) all persons belonging to the military or police forces of the Colony;
- (iv) all persons in the employment of any Government Department;
- (v) a person acting as a minister of religion of whatsoever denomination in so far as he performs functions in respect of the notification of intending marriage or in respect of the solemnization of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect;
- (vi) a person in the employ of a Municipal authority;
- (vii) the mukhtar and azas for the time being of any village;

“possession”–

- (e) “be” or “have in his possession” includes not only having in one’s own personal possession, but also knowingly having in the actual possession or custody of any other person, or having anything in any place (whether belonging to, or occupied by oneself or not) for the use or benefit of oneself or of any other person;
- (f) if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

“property” includes everything animate or inanimate capable of being the subject of ownership;

“public” refers not only to all persons within the Colony but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which such expression is used;

“public place” or “public premises” includes any public way and building, place or convenience to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting, or assembly or as an open court;

“public way” includes any highway, market—place, square, street, bridge or other way which is lawfully used by the public;



“publicly” when applied to acts done means either –

- (g) that they are so done in any public place as to be seen by any person whether such person be or be not in a public place; or
- (h) that they are so done in any place not being a public place as to be likely to be seen by any person in a public place;

“utter” means and includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question;

“valuable security” includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

“vessel” includes a ship, a boat and every other kind of vessel used in navigation either on the sea or in inland waters;

“wound” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purpose of this definition which can be touched without dividing or piercing any other membrane.

### **Territorial Application**

#### **Extent of the jurisdiction of the Courts of the Colony**

5. The jurisdiction of the Courts of the Colony for the purposes of this Law extends to every place within the Colony or within three miles of the coast thereof measured from low water mark.

#### **Offences committed partly in one and partly in another or other Districts**

6. Where an offence is committed on the boundary of two or more Districts or within a mile of the boundary or is committed partly in one District and partly in another or other Districts, such offence may be tried by the District Court of either or any such District as if it had been wholly committed in the District in which it is tried.

### **General Rules as to Criminal Responsibility**

#### **Ignorance of law**

7. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence, unless knowledge of the law by the offender is expressly declared to be an element of the offence.

#### ***Bona fide* claims of right**

8. A person is not criminally responsible in respect of an offence relating to property, if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

#### **Intention: Motive**

9. Subject to the express provisions of this Law relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

### **Mistake of fact**

**10.** A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

### **Presumption of sanity**

**11.** Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

### **Insanity**

**12.** A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any disease affecting his mind incapable of understanding what he is doing, or of knowing that he ought not to do the act or make the omission.

But the person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or another of the effects above mentioned in reference to that act or omission.

### **Intoxication**

**13.—(1)** Subject to subsections (2) and (3), a person shall not, on the ground of intoxication be deemed to have done any act or made any omission involuntarily, or be exempt from criminal responsibility for any act or omission.

(2) A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of intoxication that he is incapable of understanding what he is doing, or controlling his action, or knowing that he ought not to do that act or make the omission, provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

(3) When a specific intent is a constituent element of an offence, intoxication, whether complete or partial, and whether intentional or unintentional shall be taken into account for the purpose of ascertaining whether such an intent in fact existed.

### **Criminal responsibility of children**

~~**14.** A person under the age of seven *ten (a)* years is not criminally responsible for any act or omission. A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission. A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.~~

*14. A person under the age of 14 years is not criminally responsible for any act or omission. (b)*

### **Judicial officers**

**15.** Except as expressly provided by this Law, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the

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(a) Amended by Ordinance 1/2000 – came into force on 3 March 2000

(b) Section 14 repealed and replaced by Ordinance 12/2006 – came into force on 10 August 2006

act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

### **Compulsion**

16. Except *premeditated murder (a)* and ~~offences against the State punishable with death, the offences referred to in sections 36 and 37 of this Ordinance,~~ (b) no act is an offence which is done by a person who is compelled to do it by threats which at the time of doing it reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided that the person doing the act did not, of his own accord or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

### **Necessity**

17. An act or omission which would otherwise be an offence may be excused if the person accused can show that it was done or omitted to be done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed, would have inflicted upon him or upon others whom he was bound to protect inevitable and irreparable evil, that no more was done than was reasonably necessary for that purpose, and that the evil inflicted by it was not disproportionate to the evil avoided.

### **Compulsion of husband**

18. A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband.

### **Person not to be twice criminally responsible for same offence**

19. A person cannot be twice criminally responsible either under the provisions of this Law or under the provisions of any other Law for the same act or omission, except in the case where the act or omission is such that by means thereof he causes the death of another person, in which case he may be convicted of the offence of which he is guilty by reason of causing such death, notwithstanding that he has already been convicted of some other offence constituted by the act or omission.

## **Parties to offences**

### **Principal offenders**

20. When an offence is committed each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say—

- (a) every person who actually does the act or makes the omission which constitutes the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) every person who aids or abets another person in committing the offence;
- (d) any person who counsels or procures any other person to commit the offence.

In the fourth case he may be charged either with himself committing the offence or with counselling or procuring its commission.

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(a) Premeditated murder substituted for murder by Ordinance 11/1963 – came into force on 18 April 1963  
(b) Amendment inserted by Ordinance 1/2000 – came into force on 3 March 2000

A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment as if he had himself done the act or made the omission; and he may be charged with himself doing the act or making the omission.

### **Offences committed by joint offenders in prosecution of common purpose**

21. When two or more persons form a common intention to prosecute an unlawful purpose, in connection with one another, and in the prosecution of such purpose an offence is committed of such nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.

### **Counselling another to commit an offence**

22. When a person counsel another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him.

### **Definition of accessories after the fact**

23. A person who receives or assists another who is, to his knowledge, guilty of an offence, in order to enable him to escape punishment, is said to become an accessory after the fact to the offence.

A wife does not become an accessory after the fact to an offence of which her husband is guilty by receiving or assisting him in order to enable him to escape punishment; nor by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment; nor does a husband become accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment

### **Punishment of accessories after the fact to felony**

24. Any person who becomes an accessory after the fact to a felony is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for three years.

### **Punishment of accessories after the fact to misdemeanour**

25. Any person who becomes an accessory after the fact to a misdemeanour is guilty of a misdemeanour.

## **Punishments**

### **Kinds of punishments**

26. The following punishments may be inflicted by a Court:—

~~(a) death;~~(a)

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(a) (a) deleted and replaced by Ordinance 1/2000 – came into force on 3 March 2000

- (a) *imprisonment for life.*
- (b) imprisonment;
- ~~(c) flogging;~~
- ~~(d) whipping;~~ (a)
- (e) fine;
- (f) payment of compensation;
- (g) finding security to keep the peace and be of good behaviour: or to come up for judgement;
- (h) supervision;
- (i) *any other punishment provided for in any other Ordinance.* (b)

### **Sentence of death (c)**

~~27.—(1) The punishment of death shall be inflicted by hanging the offender by the neck until he is dead.~~

~~(2) Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under the age of sixteen years; but in lieu thereof the Court shall sentence him to be detained during the Governor's pleasure; and if so sentenced he shall be liable to be detained in such place and under such conditions as the Governor may direct.~~

~~(3) Where a woman convicted of an offence punishable with death is found in accordance with the provisions of this section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death.~~

~~(4) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the Assize Court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by the Court.~~

~~(5) The question whether the woman is pregnant or not shall be determined by the Court on such evidence as may be laid before it either on the part of the woman or on the part of the Crown, and the court shall find that the woman is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.~~

~~(6) Where on proceedings under this section the Court finds that the woman in question is not pregnant, the woman may appeal to the Supreme court, and that Court, if satisfied that for any reason the finding should be set aside, shall quash the sentence passed on her and instead thereof pass on her a sentence of imprisonment for life.~~

### **Commutation of death sentence to sentence of imprisonment**

~~28. Where the Governor pardons any person who has been sentenced to death on condition that he serves a term of imprisonment, that person shall be deemed to have been sentenced by the Assize Court before which he was convicted for the said term.~~

### **Imprisonment**

29. A person liable to imprisonment for life or any other period may be sentenced for any shorter term, or the Court before which such person is tried, may, instead thereof, impose a fine of an amount not exceeding the amount which such Court is empowered to impose.

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(a) (c) and (d) repealed by Ordinance 1/1973 – came into force on 10 January 1973  
 (b) (i) inserted by Ordinance 1/2000 – came into force on 3 March 2000  
 (c) Sections 27 and 28 repealed by Ordinance 1/2000 – came into force on 3 March 2000

### **Flogging and whipping (a)**

~~30.—(1) A sentence of flogging shall be to be flogged once only. Such flogging shall be with a whip of a pattern and size to be approved by the Governor or with such other instrument as the Governor may approve. The sentence shall specify the number of strokes, which shall not exceed twenty four. Where the number of strokes exceeds twelve such order is made by an Assize Court, and shall not be carried into effect until such confirmation shall have been received. No person who has been flogged shall be again flogged within fourteen days.~~

~~(2) A sentence of whipping shall be to be whipped once only. Such whipping shall be with a light rod or cane. The sentence shall specify the number of strokes, which shall not exceed twelve in the case of a person under sixteen years of age nor twenty four in any other case.~~

~~(3) No female shall be flogged or whipped.~~

~~(4) No person under the age of sixteen shall be flogged.~~

~~(5) A sentence of flogging shall not be carried out except in the presence of a Commissioner of a district and of a District Medical Officer, nor before such Medical Officer has after examination certified that, in his opinion, the prisoner is physically fit to under go the sentence of flogging about to be inflicted on him.~~

~~(6) The Medical Officer may at anytime during the carrying out of the sentence of flogging intervene and prohibit the remainder of the sentence from being carried out, if in his opinion the prisoner is unable to bear such sentence without risk of physical injury.~~

~~(7) No sentence of flogging shall be carried out by instalments.~~

### **Fines**

**31.** Where a fine is imposed under any Law, then in the absence of express provisions relating to such fine in such Law the following provisions shall apply:—

- (a) where no sum is expressed to which the fine may extend the amount of the fine which may be imposed is unlimited but shall not be excessive;
- (b) in the case of an offence punishable with a fine or a term of imprisonment the imposition of a fine or a term of imprisonment shall be a matter for the discretion of the Court;
- (c) such fine shall be levied and recovered in all respects in accordance with and subject to the provisions of the Criminal Procedure Law or of any Law amending or substituted for the same.

### **Security for keeping the peace**

**32.** A person convicted of an offence ~~not punishable with death~~ *other than premeditated murder or an offence contrary to sections 36 and 37 of this Ordinance* (b) may, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognizance, with or without sureties, in such amount as the Court thinks fit, that he shall keep the peace and be of good behaviour for a time to be fixed by the Court, and may be ordered to be imprisoned until such recognizance, with sureties, if so directed, is entered into; but so that the imprisonment for not entering into the recognizance shall not extend for a term longer than one year, and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without a fine.

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(a) Section 30 deleted by Ordinance 1/1973 – came into force on 10 January 1973

(b) Text deleted and new text inserted by Ordinance 1/2000 – came into force on 3 March 2000

### **Security for coming up for judgement**

33. When a person is convicted of any offence ~~not punishable with death~~ *other than premeditated murder or an offence contrary to sections 36 and 37 of this Ordinance* (a) the Court may, instead of passing sentence, discharge the offender upon his entering into his own recognizance, with or without sureties, in such sum as the Court may think fit, conditional that he shall appear and receive judgment at some future sitting of the Court or when called upon.

### **Court may order supervision in certain cases**

34.—(1) When any person, having been convicted of any offence punishable with imprisonment for a term of two years or upwards, is again convicted of any offence punishable with imprisonment for a term of two years or upwards the Court may, if it thinks fit, at the time of passing sentence of imprisonment on such person, also order that he shall be subject to supervision as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence:

Provided that, if such conviction is set aside on appeal or otherwise, such order shall become void:

Provided further that, if the conduct of the person convicted is such as to make it unnecessary that he should remain under such supervision, the Court may, at any time, discharge such order.

(2) Every person subject to supervision, who is at large shall, unless the Court otherwise directs, report himself personally once in each month to the probation officer named in the order at such time as may be directed by such officer and forthwith notify to such officer any change of his residence.

(3) If any person subject to supervision, who is at large, refuses or neglects to comply with any requirement as provided by the last preceding subsection such person shall, unless he proves to the satisfaction of the Court that he did his best to act in conformity with such requirement, be guilty of an offence and be liable to imprisonment for a term not exceeding six months.

### **General punishment for misdemeanour**

35. When in this Law, no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years or with a fine not exceeding ~~one hundred pounds~~ *three hundred pounds* (b) (c) or with both such punishments.

## **PART 2**

### **OFFENCES AGAINST PUBLIC ORDER**

#### **Treason and other Offences against the Sovereign's Authority**

##### **Treason by the law of England**

36. Any person who compasses, imagines, invents, devises or intends any act, matter or theory, the compassing, imagining, inventing, devising or intending whereof is treason by the law of England for the time being in force, and expresses, utters or declares such compassing, imagining, inventing, devising or intending by publishing any printing or writing or by any overt act or does any act which, if done in England, would be deemed to be treason according to the law of England

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(a) Text deleted and new text inserted by Ordinance 1/2000 – came into force on 3 March 2000

(b) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(c) Any provisions in any Ordinance in relation to a fine shall be subject to the provisions of section 3 of the Increase of Fines (Specific Legislative Provisions) Ordinance 1974 – came into force on 18th April 1974

for the time being in force, is guilty of the offence termed treason and is liable to suffer ~~death~~. *imprisonment for life (a)*.

### **Instigating invasion**

**37.** Any person who instigates any foreigner to invade the Colony with an armed force is guilty of treason, and is liable to the punishment of ~~death~~. *imprisonment for life (b)*.

### **Concealment of treason**

**38.** Any person who—

- (a) becomes an accessory after the fact to treason; or
- (b) knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to the Governor, Commissioner of a district or a peace officer, or use other reasonable endeavour to prevent the commission of the offence,

is guilty of the felony, termed misprision of treason, and is liable to imprisonment for life.

### **Treasonable felonies**

**39.** Any person who forms an intention to effect any of the following purposes, that is to say—

- (a) to depose Her Majesty from the Style, honour and royal name of the Imperial Crown of Great Britain, Ireland and of the British Dominions beyond the Seas, or of any of Her Majesty's dominions or territories or countries; or
- (b) to levy war against Her Majesty within any part of Her Majesty's dominions, or within a country which has been declared to be under his protection or mandate, in order by force or constraint to compel her to change her measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe the legislature or legislative authority of any of Her Majesty's dominions, or of any country which has been declared to be under her protection or mandate; or
- (c) to instigate any foreigner to make an armed invasion of any of Her Majesty's dominions or of any country which has been declared to be under her protection or mandate,

and manifests such intention by an overt act, or by publishing any printing or writing, is guilty of a felony and is liable to imprisonment for life.

### **Preparation of war or warlike undertaking**

**40.** Any person who, without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by or against, any section, race or body of persons in the Colony, is guilty of a felony, and is liable to imprisonment for life.

### **Use of armed force against the Government, etc**

**41.** Whoever prepares or endeavours, by armed force or the show of armed force, to procure an alteration in the Government or laws, or to resist the execution of the laws, or to compel the Governor or any member of the Executive or Legislative Council, or any person in command of any military or naval forces or of any peace officers, to do, or abstain from doing, any act of a public or official character is liable to imprisonment for life.

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(a) "suffer death" deleted and "imprisonment for life" inserted by Ordinance 1/2000 – came into force on 3 March 2000

(b) "death" deleted and "imprisonment for life" inserted by Ordinance 1/2000 – came into force on 3 March 2000



### **Inciting to mutiny**

42. Any person who maliciously and advisedly endeavours to effect any of the following purposes, that is to say—

- (a) to seduce any person serving in the military or naval forces of the Colony or any member of the police force from his duty and allegiance to Her Majesty; or
- (b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act; or
- (c) to incite any such persons to make or endeavour to make a mutinous assembly,

is guilty of a felony, and is liable to imprisonment for life.

### **Aiding soldiers or policemen in acts of mutiny**

43. Any person who—

- (a) aids, abets, or is accessory to any act of mutiny by; or
- (b) incites to sedition or to disobedience to any lawful order given by a superior officer or to any act of insubordination,

any non—commissioned officer or private of the military or naval forces of the Colony or any member of the police force, is guilty of a misdemeanour.

### **Inducing soldiers or policemen to desert**

44. Any person who, by any means whatever, directly or indirectly—

- (a) procures or persuades or attempts to procure or persuade to desert; or
- (b) aids, abets, or is accessory to the desertion of; or
- (c) having reason to believe he is a deserter, harbours or aids in concealing,

any non—commissioned officer or private of the said military or naval forces, or any member of the police force, is guilty of a misdemeanour, and is liable to imprisonment for six months.

### **Aiding prisoners of war to escape**

45. Any person who—

- (a) knowingly and advisedly aids an alien enemy of Her Majesty, being a prisoner of war in the Colony, whether such prisoner is confined in a prison or elsewhere or is suffered to be at large on his parole, to escape from his prison or place of confinement or if he is at large on his parole, to escape from the Colony, is guilty of a felony, and is liable to imprisonment for life; or
- (b) negligently and unlawfully permits the escape of any such person as is mentioned in the preceding paragraph is guilty of a misdemeanour.

### **Definition of overt act**

46. In the case of any of the offences defined in sections 36 to 55 (inclusive), when the manifestation by an overt act of an intention to effect any purpose is an element of the offence every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

### **Seditious conspiracy and publications with seditious intention**

47. Any person who—

- (a) conspires with any other person or person to do any act in furtherance of any seditious intention common to both or all of them; or
- (b) publishes any words or document or makes any visible representation whatsoever with a seditious intention,

is guilty of a felony and is liable to imprisonment for five years.

#### **Seditious intention defined**

**48.** For the purposes of the last preceding section a seditious intention is an intention—

- (a) to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, Her Heirs or Successors, Her Majesty's Government of the Colony as by law established; or
- (b) to bring about a change in the sovereignty of the Colony; or
- (c) to excite Her Majesty's subjects or inhabitants of the Colony to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the Colony as by law established; or
- (d) to bring into hatred or contempt or to excite disaffection against the administration of justice in the Colony; or
- (e) to raise discontent or disaffection amongst her Majesty's subjects or inhabitants of the Colony; or
- (f) to promote feelings of ill will and hostility between different communities or classes of the population of the Colony:

#### **Innocent intention defined**

Provided that it shall be lawful for any person—

- (i) to endeavour in good faith to show that Her Majesty or Her Majesty's Government in the United Kingdom have been misled or mistaken in any of their measures; or
- (ii) to point in good faith errors or defects in the Government or constitution of the Colony as by law established or in legislation or in the administration of justice with a view to the reformation of such errors or defects; or
- (iii) to persuade in good faith Her Majesty's subjects, or inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established other than that referred to in paragraph (b) of this section; or
- (iv) to point out in good faith, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill will and enmity between different communities or classes of the population of the Colony.

#### **Evidence to rebut prima facie case of publication by agent**

**49.** If, on the trial of any person for the publication of any seditious matter published in contravention of section 51 or any defamatory matter as in sections 194 to 202 (inclusive) hereinafter mentioned, evidence has been given which establishes a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to the defendant to prove that the publication was made without his authority, consent or knowledge and that the publication did not arise from want of due care or caution on his part. Upon such proof as aforesaid the defendant shall be entitled to be discharged.

#### **Publication of false news with intent to cause fear and alarm to the public**

**50.** Any person who publishes or reproduces any statement, rumour or report which he knows or has reason to believe to be false with intent to cause, or which is likely to cause, fear or alarm to the public or which is calculated to disturb the public peace is guilty of a misdemeanour.

### **Encouraging violence and promoting ill will**

**51.**—(1) Any person who prints, publishes, or to any assembly makes any statement calculated or likely to—

- (i) encourage recourse to violence on the part of any of the inhabitants of the Colony; or
- (ii) promote feelings of ill will between different classes or communities or persons in the Colony,

is guilty of misdemeanour and is liable to imprisonment for twelve months:

Provided that no person shall be guilty of an offence under the provisions of this section if such statement was printed, published or made solely for any one or more of the following purposes, the proof whereof shall lie upon him, that is to say:—

- (b) to endeavour in good faith to show that Her Majesty or Her Majesty's Government in the United Kingdom has been misled or mistaken in any of their measures; or
- (c) to point out in good faith errors or defects in the Government, or the policies thereof, or constitution of the Colony as by law established, or any legislation, or in the administration of justice, with a view to the remedying of such errors or defects; or
- (d) to persuade in good faith any inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established other than that referred to in paragraph (b) of section 48; or
- (e) to point out in good faith with a view to their removal, any matters which are producing or have a tendency to produce discontent amongst any of the inhabitants of the Colony or feelings of ill will and enmity between different communities or classes of persons in the Colony.

(2) For the purposes of this section “an assembly” means a gathering of five or more persons.

### **Unlawful oaths to commit capital offences**

**52.** Any person who—

- (a) administers or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or
- (b) takes any such oath or engagement, not being compelled to do so,

is guilty of a felony, and is liable to imprisonment for life.

### **Other unlawful oaths to commit offences**

**53.** Any person who—

- (a) administers or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say—
  - (i) to engage in any mutinous or seditious enterprise;
  - (ii) to commit any offence not punishable with death;
  - (iii) to disturb the public peace;
  - (iv) to be of any association, society or confederacy formed for the purpose of doing any such act as aforesaid;
  - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
  - (vi) not to inform or give evidence against any associate, confederate or other person;

- (vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or
  - (b) takes any such oath or engagement, not being compelled to do so,
- is guilty of a felony, and is liable to imprisonment for seven years.

### **Compulsion how far a defence**

**54.** A person who takes any such oath or engagement as is mentioned in the two last preceding sections cannot set up as a defence that he was compelled to do so, unless within fourteen days after taking it, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information an oath before some peace officer, or if he is on actual service in the military forces of the Colony, or in the police forces, either by such information or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

### **Unlawful drilling**

- 55.—**(1) Any person who—
- (a) without the permission of the Governor trains or drills any other person to the use of arms or the practice of military exercises, movements, or evolutions; or
  - (b) is present at any meeting or assembly of persons, held without the permission of the Governor, for the purpose of training or drilling any other persons to the use of arms or the practice of military exercises, movements, or evolutions,
- is guilty of a felony, and is liable to imprisonment for seven years.

(2) Any person who at any meeting or assembly held without the permission of the Governor is trained or drilled to the use of arms or the practice of military exercises, movements, or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled is guilty of a felony and is liable to imprisonment for five years.

## **Offences against the Constitution and existing Social Order**

### **Membership of an unlawful association illegal**

**56.—**(1) Any person who is a member of an unlawful association is guilty of felony and is liable to imprisonment for three years.

### **Office holdings, etc., illegal**

(2) Any person who occupies or acts in any office or position in or of an unlawful association or who acts as a representative of an unlawful association or who acts as a teacher in any institution or school conducted by or under the authority or apparent authority of an unlawful association is guilty of a felony and is liable to imprisonment for seven years.

### **Onus of proof**

(3) Any person who attends a meeting of an unlawful association or of members of an unlawful association or of persons who advocate or encourage the doing of any of the acts declared to be unlawful in section 63 of this Code or who has in his possession or custody any badge, ticket book of membership, or any letter or document whatsoever, whenever issued, which appears to imply membership of, or any authority from or any connection with an unlawful association, shall be presumed, unless or until the contrary is proved, to be a member of an unlawful association.

### **Advocating and encouraging unlawful association**

57. Any person who by speech or writing or in any other way advocates or encourages the doing of any of the acts declared to be unlawful in section 63 of this Code is guilty of a felony and is liable to imprisonment for five years.

### **Giving or soliciting contributions for an unlawful association**

58. Any person who gives or pays contributions, subscriptions or donations and any person who solicits contribution or subscriptions or donations for or on account of any unlawful association is guilty of a misdemeanour and is liable to imprisonment for one year.

### **Possession of documents having a seditious intention and publication, etc., of propaganda of unlawful association**

59. Any person who—

- (a) transmits through the post or who, without lawful authority or excuse, the proof of which lies upon him, has in his possession any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing whatsoever having a seditious intention as defined in section 48 of this Code; or
- (b) prints, publishes, sells or exposes for sale, or transmits through the post or who, without lawful authority or excuse, the proof of which lies upon him, has in his possession any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing whatsoever which advocates or encourages any of the acts declared to be unlawful in section 63 of this Code or which is issued or appears to be issued by or on behalf of, or in the interests of, an unlawful association,

is guilty of a felony and is liable to imprisonment for three years, and any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing in respect of which such person shall have been convicted shall be forfeited.

### **Power of arrest and seizure**

60. A Superintendent or Assistant Superintendent of Police or an Inspector in charge of a Division or any non—commissioned officer or private authorized in writing by a Superintendent or Assistant Superintendent of Police or Inspector in charge of Division may without warrant and with or without assistance enter into any house or building or any place in which he has reason to believe that a meeting of an unlawful association or of members of an unlawful association or of persons who advocate or encourage the doing of any of the acts declared to be unlawful in section 63 of this Code is being held or which he has reason to believe contains any document or thing the possession of which is prohibited by section 59 of this Code and may arrest any person found therein and seize any such document or thing and it shall be lawful for a District Court or any Judge thereof upon application of a Superintendent or Assistant Superintendent or Inspector in charge of a Division and upon such notice (if any) as he may think fit, to order any such document or thing to be forfeited.

### **Power to examine packages**

61.—(1) Any of the following officers, that is to say—

- (a) subject to the provisions of section 20 of the Post Office Law, any postmaster in respect of any package transmitted through the post;
- (b) any Collector or Assistant Collector of Customs;
- (c) any police officer not below the rank of an Inspector;
- (d) any other officer authorized in that behalf by the Governor,

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 59 of this Code to transmit through the post, print, publish, sell, expose for sale or possess, and during such examination may detain any person transmitting through the post, printing, publishing, selling, or exposing for sale such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer, and the person transmitting through the post, printing, publishing, selling, exposing for sale, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 59 of this Code.

### **Onus of Proof**

**62.** In any prosecution under sections 56, 58 or 59 of this Code any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing which purports to be or appears to be issued by or on behalf of or in the interest of the association alleged to be unlawful, or of any association or organisation with which the association alleged to be unlawful is, or purports to be, or appears to be affiliated or in any way connected, whenever issued shall, if tendered by the prosecution, be prima facie evidence of the contents thereof and of the doctrines or practices of the association alleged to be unlawful.

### **Definition of unlawful association**

**63.** In this Law—

“unlawful association” means—

- (a) any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates, incites or encourages any of the following unlawful acts—
  - (i) the overthrow of the constitution of the Colony by revolution or sabotage;
  - (ii) the overthrow by force or violence of the established government of the Colony, or of any other civilized country, or of organized Government;
  - (iii) the destruction or injury of property of the Colony or of property used in trade or commerce with other countries or in the Colony;
- (b) ~~any body of persons incorporated or unincorporated, which by its constitution or propaganda, or otherwise advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined in section 48 of this Code; (a)~~
  - ~~(e)~~(b) any body of persons incorporated or unincorporated or any organization which is or purports to be or appears to be affiliated or in any way connected with any body of persons incorporated or unincorporated or any organization which by its constitution or propaganda or otherwise advocates, incites or encourages the doing of any act specified in paragraphs (a) and (b) of this section paragraph (a). (b)
- (c) *any branch, centre or committee of any of a body of persons prescribed in paragraph (a) and (b); (c)*
- (d) any body of persons, incorporated or unincorporated, or any organization whether within or without the Colony which is declared by Order of the Governor in Council to have among its aims or to be used for the promotion of a general strike, or of disorder of any kind or of the spread of sedition within the Colony and to be prescribed within the Colony.

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(a) Paragraph (b) repealed and paragraph (c) renumbered (b) by Ordinance 2/2016 – came into force on 1 February 2016

(b) Text deleted and new text inserted by Ordinance 2/2016 – came into force on 1 February 2016

(c) New paragraph (c) inserted by Ordinance 2/2016 – came into force on 1 February 2016

~~Every such Order shall be published in the Gazette and shall remain in force for a period of twelve months from the date of such publication and no longer unless renewed for such further period or periods, not exceeding twelve months at any one time, as the Governor in Council may direct by Order published in the Gazette. (a)~~

And the said term further includes any branch, centre or committee of an unlawful association, and any institution or school conducted by or under the authority of an unlawful association.

#### **Participation in criminal organization (b)**

*63A. Any person who takes part in a criminal organization is guilty of an offence and, on conviction, is liable to imprisonment three years.*

#### **Participation in, and agreement to commit, crimes**

*63B.—(1) Any person who, with knowledge of the unlawful objects or activities of a criminal organization—*

- (a) takes part in any way in any unlawful act of that criminal organization; or*
- (b) takes part in any way in any activity of a criminal organization which he should reasonably know is associated in any way with the commission of any criminal offence,*

*is guilty of a felony punishable with imprisonment not exceeding ten years or with a fine not exceeding fifty thousand pounds or to both such penalties.*

*(2) The court may also try an offender under subsection (1) above even if the criminal organization in whose activities he takes part is, or acts, wholly or partly outside the Areas.*

*(3) For the purposes of this Ordinance “criminal organization” means a group consisting of three or more persons which has been formed, and which acts, with the object of committing criminal offences for which the penalty is imprisonment of three years or more.*

#### **Industrial disturbances. Proclamation of emergency**

**64.** If at any time the Governor is of opinion that there exists in the Colony a serious industrial disturbance prejudicing or threatening trade of commerce with other countries or in the Colony, he may by proclamation declare the Colony to be in a state of emergency, and for the purposes of this section such a proclamation shall remain in force until it is revoked.

#### **Persons taking part in lock—outs and strikes during operation of a proclamation**

**65.** Any person who during the operation of a proclamation referred to in the last preceding section takes part in or continues, or incites to, urges, aids or encourages the taking part in, or continuance of, a lock—out or strike in relation to employment in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in the Colony; or in relation to employment in, or in connection with, the provision of any public service in the Colony or of any Government Department or Municipal authority in the Colony is guilty of a misdemeanour and liable to imprisonment for one year

#### **Offences against the maintenance of the public service, transport, etc.**

**66.** Any person who by violence to the person or property of another person, or by spoken or written threat or intimidation of any kind to whomsoever directed, or, without reasonable cause or

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(a) Repealed by Ordinance 2/2016 – came into force on 1 February 2016

(b) Sections 63A and 63B inserted by Ordinance 7/2003 – came into force on 26 February 2003

excuse, by boycott or threat of boycott of person or property whether or not a proclamation is in operation

- (a) obstructs or hinders the maintenance of any public service or Government Department or Municipal authority in the Colony;
- (b) compels or induces any person employed in or in connection with the maintenance of any public service or Government Department or Municipal authority in the Colony to surrender or depart from his employment;
- (c) prevents any person from offering or accepting employment in or in connection with the maintenance of any public service or Government Department or Municipal authority in the Colony;
- (d) obstructs or hinders the transport of goods or the conveyance of passengers in trade or commerce with other countries or in the Colony; or
- (e) compels or induces any person employed in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in the Colony to surrender or depart from his employment; or
- (f) prevents any person from offering or accepting employment in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in the Colony,

is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **Prosecution by Attorney—General**

**67.** A prosecution of any offence under sections 56 to 66 (inclusive) shall not be instituted except by, or with the consent of, the Attorney—General.

#### **Offences affecting relations with Foreign States and External Tranquillity**

#### **Defamation of foreign princes**

**68.** Any person, who without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between the United Kingdom or the Colony and the country to which such prince, potentate, ambassador or dignitary belongs, is guilty of a misdemeanour.

#### **Piracy**

**69.** Any person who is guilty of piracy or any crime connected with or relating or akin to piracy shall be liable to be tried and punished according to the law of England for the time being in force.

#### **Unlawful Assemblies, Riots and other Offences against Public Tranquillity**

#### **Definitions**

**70.** Where five or more persons assembled with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace they are an unlawful assembly.

It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.



When an unlawful assembly has begun to execute the purpose, whether of a public or of a private nature, for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

#### **Punishment of unlawful assembly**

71. Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year.

#### **Punishment of riot**

72. Any person who takes part in a riot is guilty of a misdemeanour and is liable to imprisonment for three years.

#### **Making proclamation for rioters to disperse**

73. Any Commissioner of a District or, in his absence, any police officer, of or above the rank of Inspector, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his view may make or cause to be made a proclamation in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

#### **Dispersion of rioters after proclamation made**

74. If upon the expiration of a reasonable time after such proclamation is made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorized to make proclamation, or any police officer, or any other person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by use of such force, caused harm or death to any person.

#### **Rioting after proclamation**

75. If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of such proclamation, takes or continues to take part in the riot or assembly, is guilty of a felony, and is liable to imprisonment for five years.

#### **Preventing or obstructing the making of proclamation**

76. Any person who forcibly prevents or obstructs the making of such proclamation as is in section 73 mentioned, is guilty of a felony, and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, is liable to imprisonment for five years.

#### **Rioters demolishing buildings, etc.**

77. Any persons who, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy, any building, ship, railway, machinery or structures are guilty of a felony and each of them is liable to imprisonment for life.

### **Rioters injuring buildings, machinery, etc.**

**78.** Any persons who, being riotously assembled together unlawfully damage any of the things in the last preceding section mentioned, are guilty of a felony, and each of them is liable to imprisonment for seven years.

### **Riotously preventing the sailing of ship**

**79.** All persons are guilty of a misdemeanour who, being riotously assembled, unlawfully and with force prevent, hinder or obstruct the loading or unloading, or the sailing or navigating of any vessel or unlawfully and with force board any vessel with intent to do so.

### **Carrying arms to terrorise**

**80.** Any person who carries in public without lawful occasion any offensive arm or weapon in such a manner as to cause terror to any person is guilty of a misdemeanour, and is liable to imprisonment for two years, and his arms or weapons shall be forfeited.

### **Daggers**

**81.—(1)** Any person who imports, manufactures, sells, offers or exposes for sale a dagger or who wears or carries a dagger outside his house or the curtilage thereof, is guilty of a misdemeanour and is liable to imprisonment for two years and, notwithstanding anything to the contrary in sections 29, 32 and 33 of this Code contained, is liable to a minimum sentence of imprisonment for one year unless the Court, in all the circumstances of the case including consideration of hardship and similar mitigating circumstances personal to the convicted person, thinks it expedient to impose a lesser sentence or make any other order.

(2) Whenever any lesser sentence is imposed or any other order is made under subsection (1) of this section the Court shall record the reasons for the imposition of such sentence or making of such order.

### **Carrying knives outside house prohibited**

**82.—(1)** Any person who wears or carries a knife not ending in a sharp point outside his house or the curtilage thereof is guilty of a misdemeanour and is liable to imprisonment for one year.

(2) Any person who wears or carries a knife ending in a sharp point outside his house, or the curtilage thereof is guilty of a misdemeanour and is liable to imprisonment for one year and, notwithstanding anything to the contrary in sections 29, 32 and 33 of this Code contained, is liable to a minimum sentence of imprisonment for six months unless the Court, in all the circumstances of the case including consideration of hardship and similar mitigating circumstances personal to the convicted person, thinks it expedient to impose a lesser sentence or make any other order.

(3) Whenever any lesser sentence is imposed or any other order is made under subsection (2) of this section the Court shall record the reasons for the imposition of such sentence or making of such order.

(4) No person shall be deemed to have committed an offence under this section if he shall prove to the satisfaction of the Court that he was wearing or carrying outside his house or the curtilage thereof the knife in respect of which the charge is made, for some lawful purpose for which such knife was necessary.

### **Knives at weddings, etc. prohibited**

**83.—(1)** Any person who shall wear or carry a knife not ending in a sharp point at any wedding or fair or in any brothel or licensed premises is guilty of a misdemeanour.

(2) Any person who wears or carries a knife ending in a sharp point at any wedding or fair or in any brothel or licensed premises is guilty of a misdemeanour and is liable to imprisonment for two years and, notwithstanding anything to the contrary in sections 29, 32 and 33 of this Code

contained, is liable to a minimum sentence of imprisonment for six months unless the Court, in all the circumstances of the case including consideration of hardship and similar mitigating circumstances personal to the convicted person, thinks it expedient to impose a lesser sentence or make any other order.

(3) Whenever any lesser sentence is imposed or any other order is made under subsection (2) the Court shall record the reasons for the imposition of such sentence or making of such order.

(4) No person shall be deemed to have committed an offence under this section if he proves to the satisfaction of the Court that he was wearing or carrying such knife in the exercise of his trade or calling.

### **Clasp—knives**

**84.** Nothing in this Law shall prevent any person from carrying a clasp—knife which has a blade—

- (a) of not more than four inches in length if not ending in a sharp point; or
- (b) of not more than two and an half inches in length if ending in a sharp point,

when it is not so constructed as to be convertible by means of a spring or otherwise into a dagger or knife with a fixed blade.

### **Forfeiture**

**85.** Any dagger or knife in respect to which any person has been convicted for a breach of this Code shall be forfeited.

### **Definitions (a)**

**86.** ~~In this Law—~~

~~“dagger” includes any sword of any kind, any instrument commonly known as “sword stick” or “sword cane” irrespective of whether its pointed blade is cutting or not, and any knife or other instrument having a blade ending in a sharp point and which in the opinion of the Court is not primarily designed for use in a profession, craft or business exercised or carried on by the accused or for domestic use;~~

~~“knife” means any knife, or other instrument, not being a dagger, having a blade ending in a sharp point or not.~~

*86. In this Ordinance—*

*“double—edged knife” means a knife or other instrument having a blade on both sides, irrespective of whether or not the blade ends in a sharp point, and it includes any form of sword;*

*“knife” means any instrument (other than a double—edged knife) having a blade whether or not the blade ends in a sharp point:*

*Provided that the definitions of “double—edged knife” and “knife” in this section shall not include a double—edged knife or knife which—*

- (a) by its manufacture is intended for ornamental purposes;
- (b) is a collectors’ item or an antique;
- (c) is manufactured for domestic, professional, educational or sporting use or for the purposes of hunting or fishing or for other related purposes; or
- (d) forms part of the uniform of any member of the armed forces of the Crown or of the members of the armed forces of any other State lawfully stationed in the Areas.

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(a) Section 86 substituted by Ordinance 7/2003 – came into force on 26 February 2003

### **Handcuffs (a)**

*86A. Any person who imports, makes, sells or displays for sale or has in his possession or carries handcuffs without a permit from the Chief Constable is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of five hundred pounds or to both such penalties:*

*Provided that the prohibition on the importation, possession or carrying of handcuffs shall not apply to or affect members of the security or armed forces of the Crown or of the prisons of the Areas acting in the course of their duties.*

### **Forcible entry**

**87.** Any person who, in order to take possession thereof, enters on any land or tenements in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, is guilty of the misdemeanour termed forcible entry.

It is immaterial whether he is entitled to enter on the land or not, provided that a person who enters upon lands or tenements of his own but which are in the custody of his servant or bailiff, does not commit the offence of forcible entry.

### **Forcible detainer**

**88.** Any person who, being in actual possession of land without colour of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land is guilty of the misdemeanour termed forcible detainer.

### **Affray**

**89.** Any person who takes part in a fight in a public place is guilty of a misdemeanour, and is liable to imprisonment for one year.

### **Challenge to fight a duel**

**90.** Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, is guilty of a misdemeanour.

### **Threatening violence**

**91.** Any person who—

- (a) with intent to intimidate or annoy any person, threatens to break or injures a dwelling house; or
- (b) with intent to alarm any person in a dwelling house, discharges loaded firearms or commits any other breach of the peace; or
- (c) with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, threatens another with injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested,

is guilty of a misdemeanour, and is liable to imprisonment for three years.

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(a) Section 86A inserted by Ordinance 7/2003 – came into force on 26 February 2003

### ***Threats causing fear or anxiety (a)***

**91A.**—(1) *A person commits an offence if the person, by threatening (by word or deed) to apply unlawful force to another person or to commit any other unlawful act or omission, causes any person to feel fear or anxiety, intending so to do.*

(2) *A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 3 years.*

### **Possessing firearms with intent to injure**

**92.** Any person who has in his possession or under his custody any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, is, whether any injury to person or property has been caused or not, guilty of a felony and is liable to imprisonment for five years.

In this section the expression “firearms” means any firearm from which any shot, bullet, or other missile can be discharged, or any part thereof, and the expression “ammunition” means ammunition for any such firearms, and includes grenades, bombs, and other similar missiles, whether such missiles are capable of use with a firearm or not, and ingredients and components thereof.

### **Assembling for the purpose of smuggling**

**93.** Any persons who assemble together, to the number of three or more, for the purpose of unshipping, carrying, or concealing, any goods subject to Customs duty and liable to forfeiture under any Law relating to the Customs, are guilty of a misdemeanour, and each of them is liable to a fine not exceeding ~~one hundred pounds~~ *two hundred pounds (b)* or to imprisonment for one year.

### **Drunkenness**

**94.**—(1) Any person who in any public way or place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour is guilty of a misdemeanour and is liable to imprisonment for one year.

(2) Any person who is drunk while in possession of any loaded firearm, knife or other deadly weapon may be apprehended without a warrant, and is guilty of a misdemeanour and is liable to a fine not exceeding ~~twenty pounds~~ *fifty pounds (c)* or to imprisonment for six months or to both.

### **Disturbance**

**95.** Any person who creates a noise or uproar in a public place without reasonable cause in a manner likely to disturb the inhabitants or to cause a breach of the peace is guilty of a misdemeanour and is liable to imprisonment for three months.

### ***Breaking of tableware in public places of entertainment (d)***

**95A.**—(1) *Any person who, in a public place of entertainment, wilfully breaks tableware of any kind made of glass, porcelain or other fragile material, is guilty of an offence and is liable to imprisonment for six months.*

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(a) Section 91A inserted by Ordinance 9/2013 – came into force on 01 April 2013

(b) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(c) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(d) Section 95A inserted by Ordinance 7/1979 – came into force on 30 August 1979

*(2) The owner of or person under whose management such place is, is guilty of an offence and is liable to the same sentence, if he provides the means for committing the offence specified in sub—section (1) of this Section of the Ordinance.*

### **Destruction of notices**

**96.** Any person who wilfully and without proper authority tears down, defaces or destroys any notice, intimation, or documents affixed or to be affixed to any building or any public place, under the provisions of any Law or Rules of Court or by order of any public servant, Municipality, or other public body is guilty of a misdemeanour and is liable to a fine not exceeding ~~five pounds~~ *twenty—five pounds (a)* or to imprisonment for one month.

### **Moslem feasts**

**97.—(1)** Any person who holds or is responsible for a Moslem feast, or is the occupier of premises on which such Moslem feast is held, and engages, whether with or without pay, or knowingly permits a dancing girl to dance or sing at such feast, is guilty of a misdemeanour and is liable to a fine not exceeding ~~five pounds~~ *twenty—five pounds (b)* or to imprisonment for one month.

(2) In this section—

“dancing girl” means a prostitute or a woman who dances or sings for pay at Moslem feasts;

“Moslem feast” means a Moslem festival arranged for or in connection with a marriage or for circumcision.

### **Prevention of election by force or threats**

**98.** Any person who attempts to prevent, obstruct or disturb any public election by any kind of force, violence or threats, or by any act which is an offence punishable under this Law is guilty of a misdemeanour.

### **Public insult**

**99.** Any person who in any public place or in any place not being a public place in such manner or circumstances as to be likely to be heard by any other person in any public place shall insult any other person in such a manner as would be likely to provoke any person present to commit an assault is guilty of a misdemeanour, and is liable to imprisonment for one month or to a fine not exceeding ~~five pounds~~ *twenty—five pounds (c)* or to both.

### ***Incitement to violence, etc on grounds of sexual orientation or gender (d)***

**99A.—(1)** A person (A) commits an offence if A—

(a) *uses threatening, abusive or insulting words or behaviour in a public place,*

(b) *displays in a public place any written material that is threatening, abusive or insulting, or*

(c) *publishes or distributes written material that is threatening, abusive or insulting,*

*if A intends thereby to stir up hatred or violence against another person (B) or a group of persons (G) on grounds of B’s or G’s sexual orientation or gender.*

(2) *A person convicted of an offence under subsection (1) is liable to a term of imprisonment not exceeding 3 years, to a fine not exceeding €5,000 or to both.*

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(b) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(c) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(d) Section 99A inserted by Ordinance 2/2016 – came into force on 1 February 2016

*(3) No proceedings for an offence under this section may be instituted except by, or with the consent, of the Attorney General and Legal Adviser.*

## PART 3

### OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY

#### Corruption and the Abuse of Office

##### Official corruption

**100.** Any person who—

- (a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, corruptly asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office; or
- (b) corruptly gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any person employed in the public service, or to, upon, or for any other person, any property or benefit of any kind on account of any such act or omission on the part of the person so employed,

~~is guilty of a misdemeanour, and is liable to imprisonment for three years, and also to a fine shall be guilty of an offence and shall be liable to imprisonment for five years or to a fine not exceeding ten thousand pounds to imprisonment for a term not exceeding 7 years or a fine not exceeding €100,000 (a) or to both such penalties, and where the person convicted received any property or benefit which is capable of forfeiture, he shall, in addition to any other punishment, be liable to forfeit the same. (b)~~

##### Extortion by public officers

**101.** Any person who, being employed in the public service, takes, or accepts from any person for the performance of his duty as such officer, any reward beyond his proper pay and emolument or any promise of such reward is guilty of a misdemeanour, and is liable to imprisonment for three years, and also to a fine.

##### Public officers receiving property to show favour

**102.** Any person who, being employed in the public service, receives any property or benefit of any kind for himself, on the understanding, express or implied, that he shall favour the person giving the property or conferring the benefit, or anyone in whom he is interested, and any person employed in the public service, is guilty of a misdemeanour, and is liable to imprisonment for two years and also to a fine.

##### Officers charged with administration of property of a special character or with special duties

**103.** Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting properties of a special character, or respecting the carrying on of any manufacture, trade or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property,

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(a) Prison term and fine amended by Ordinance 9/2013 – came into force on 01 April 2013

(b) Text deleted and new text inserted by Ordinance 1/2000 – came into force on 03 March 2000

manufacture, trade or business, discharges any such duties with respect to the property, manufacture, trade or business, in which he has such interest or with respect to the conduct of any person in relation thereto, is guilty of a misdemeanour, and is liable to imprisonment for one year.

#### **False claims by officials**

**104.** Any person who, being employed in the public service in such a capacity as to require him or to enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter, which is, to his knowledge, false in any material particular, is guilty of a misdemeanour and is liable to imprisonment for three years, and also to a fine.

#### **Abuse of office**

**105.** Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour.

If the act is done or directed to be done for purposes of gain he is guilty of a felony, and is liable to imprisonment for three years.

#### **Influencing competent authority (a)**

*105A.—(1) Any person who attempts in any way to influence any authority, committee or other body or any member thereof or any public servant in the performance of its or his duties in relation to—*

- (a) the engagement, appointment, promotion, placement or transfer of that or of any other person; or*
- (b) any disciplinary matter concerning that or any other person,*

*either in favour of that person or of any other person or against any other person, is guilty of a criminal offence and on conviction is liable to imprisonment not exceeding twelve months, or to a fine not exceeding one thousand pounds or to both such penalties:*

*Provided that this subsection shall not prevent the making of any recommendation by any person in the exercise of any power or in the performance of any duty he has relating to the engagement, appointment, promotion, placement, transfer or disciplining of other persons.*

*(2) Any member of an authority, committee or other body or any public servant who has been approached by any person for the purpose of influencing him, as described in subsection (1) and who fails to report the fact of the approach and the identity of the person who had approached him to the Chief Constable within three days of the approach, is guilty of an offence and on conviction is liable to imprisonment not exceeding twelve months or to a fine not exceeding two thousand pounds or to both such penalties.*

*(3) A criminal case for an offence under this section shall not be brought except by the Attorney General and Legal Adviser or with his consent.*

#### **Prosecutions by Attorney—General**

**106.** A prosecution of any offence under ~~any of the last three preceding sections~~ *section 103, 104 and 105 (b)* shall not be instituted except by, or with the consent of, the Attorney—General.

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(a) Section 105A inserted by Ordinance 7/2003 – came into force on 26 February 2003  
(b) Sections stipulated by Ordinance 9/2013 – came into force on 01 April 2013



### **False certificates by public officers**

**107.** Any person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular is guilty of a misdemeanour.

### **False assumption of authority**

**108.** Any person who—

- (a) not being a judicial officer, assumes to act as a judicial officer, or
- (b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorised by law to do so; or
- (c) represents himself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such documents, as being so authorised, when he is not, and knows that he is not, in fact, so authorised,

is guilty of a misdemeanour.

### **Personating public officers**

**109.** Any person who—

- (a) personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment; or
- (b) falsely represents himself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment,

is guilty of a misdemeanour, and is liable to imprisonment for three years.

## **Offences relating to the Administration of Justice**

### **Perjury and subornation of perjury**

**110.**—(1) Any person who in any judicial proceeding or for the purpose of instituting any judicial proceeding knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding or intended to be raised in that proceeding, is guilty of the misdemeanour termed perjury.

It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.

The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assent to the forms and ceremonies actually used.

It is immaterial whether the false testimony is given orally or in writing.

It is immaterial whether the Court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a Court or tribunal in the proceeding in which the testimony is given

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

(2) Any person who procures another person to commit a perjury, which he actually commits in consequence of such procurement, is guilty of the misdemeanour termed subornation of perjury.

### **Punishment of perjury**

**111.** Any person who commits perjury or suborns perjury is liable to imprisonment for a term not exceeding seven years.

### **Evidence on charge of perjury**

**112.** A person cannot be convicted of committing perjury or of subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

### **Contradictory statements by witnesses**

**113.—**(1) Any person who—

- (a) being a witness at the trial on information of a person for any offence, on his examination as such witness, wilfully makes any statement tending to prove the guilt or innocence of the accused, inconsistent with or contradictory to what he has stated on his examination as a witness concerning the same matter before the District Court; or
- (b) having made a charge or complaint on oath before a District Court of the commission of an offence subsequently, on his examination as a witness before a District Court when the charge or complaint is being inquired into, wilfully makes any statement tending to prove the guilt or innocence of the person charged inconsistent with or contradictory to what he stated on his sworn charge or complaint,

is deemed to have given false testimony within the meaning of section 110 of this Code.

(2) Any person who, having made a statement to any person entitled or authorized under any Law in force for the time being to investigate into the commission of any offence, subsequently on his examination as a witness in ~~a summary trial or in a preliminary inquiry~~ *any trial*, (a) makes any statement tending to prove the guilt or innocence of any persons inconsistent with, or contradictory to, the first mentioned statement is guilty of a misdemeanour and is liable to imprisonment for three years or to a fine not exceeding ~~fifty pounds~~ *three hundred pounds* (b) or to both:

### **Mode of proving offence**

Provided that upon the trial of any person for an offence under this section it shall not be necessary to prove the falsity of either of the inconsistent or contradictory statements, but upon proof that both the statements were made by him, the Court before which he is tried, if it considers that the statements, or either of them, were, or was made with a view to deceive the Court to which, or the person to whom, the statements, or either of them, were, or was, made, and thereby improperly to prove the guilt or innocence of any person of the offence in relation to which the statements were made, shall convict the accused.

(3) When an Assize Court commits a person for trial for giving false evidence in any proceedings before it, he may, if the Court thinks fit, be committed for trial and tried at the same sitting of the Court.

### **Giving false information to police officer**

**114.** Any person who knowing or having reason to believe that an offence has been committed, gives any information respecting that offence to any police officer or person authorized to inquire into such offence which he knows or believes to be false, is guilty of a misdemeanour and is liable to a fine not exceeding ~~fifty pounds~~ *one hundred pounds* (c) or to imprisonment for one year.

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(a) Subsection (2) amended by Ordinance 7/1987 – came into force on 15 April 1987

(b) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(c) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

### **Effecting public mischief**

**115.** Any person who knowingly makes to any police officer a false statement concerning an imaginary offence, shall be guilty of the offence of effecting a public mischief and shall be liable to a fine not exceeding ~~fifty pounds~~ *one hundred pounds* (a) or to imprisonment for one year.

### **Fabricating evidence**

**116.** Any person who, with intent to mislead any tribunal in any judicial proceeding–

- (a) fabricates evidence by any means other than perjury or subornation of perjury; or
- (b) knowingly makes use of such fabricated evidence, is

guilty of a misdemeanour, and is liable to imprisonment for seven years.

### **False swearing**

**117.** Any person who swears falsely or makes a false affirmation or declaration before any person authorized to administer an oath or take a declaration under such circumstances that the false swearing or declaration if committed in a judicial proceeding would have amounted to perjury, is guilty of a misdemeanour.

### **Inducing witnesses to give false or to withhold true testimony**

**118.** Any person who gives or offers or promises to give any witness or to any person about to be called as a witness in any judicial proceeding any gratification upon any understanding or agreement that the testimony of that witness or person shall be thereby influenced, or who attempts by any means whatsoever to induce any witness to give false evidence or to withhold true testimony, is guilty of a misdemeanour and is liable to imprisonment for three years.

### **Deceiving witnesses**

**119.** Any person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of a misdemeanour.

### **Destroying evidence**

**120.** Any person who, knowing that any book, document or other thing of any kind, is or may be required in evidence in a judicial proceeding, wilfully destroys or renders it illegible or undecipherable or incapable of identification, with intent, thereby to prevent it from being used in evidence, is guilty of a misdemeanour.

### **Conspiracy to defeat justice and interference with witnesses**

**121.** Any person commits a misdemeanour who–

- (a) conspires with any other person to accuse any person falsely of any crime or to do anything to obstruct, prevent, pervert or defeat the course of justice; or
- (b) in order to obstruct the due course of justice, dissuades, hinders or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence or endeavours to do so; or
- (c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal.

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

## **Deterrence of judges, etc., and interference with judicial proceedings**

**122.** Any person who does any act—

- (a) calculated, or which is likely, to deter any person from acting in any judicial capacity or in any manner as counsel, witness or party in any judicial proceedings;
- (b) calculated, or which is likely, to obstruct, or in any way interfere with, any judicial proceedings, is guilty of a misdemeanour and is liable to imprisonment for three years.

## **Compounding felonies**

**123.** Any person who asks, receives or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal a felony which is not lawfully compoundable, or will abstain from, discontinue or delay a prosecution, for such a felony, or will withhold any evidence thereof, is guilty of a misdemeanour.

## **Compounding penal actions**

**124.** Any person who, having brought, or under pretence of bringing, an action against another person upon a penal Law in order to obtain from him a penalty for an offence committed or alleged to have been committed by him, compounds the action without the order or consent of the Court in which the action is brought or is to be brought, is guilty of a misdemeanour.

## **Advertisements for stolen property**

**125.** Any person who—

- (a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized or molested; or
  - (b) publicly offers to return to any person who may have bought or advanced money by way of loan upon any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property; or
  - (c) prints or publishes any such offer,
- is guilty of a misdemeanour.

## **Corruptly taking a reward**

**126.** Every person who corruptly takes any money or reward, directly or indirectly, under pretence or upon account of helping any person to recover any property which has, under circumstances which amount to felony or misdemeanour, been stolen or obtained in any way whatsoever, or received, is (unless he has used all due diligence to cause the offender to be brought for trial to the same) guilty of felony and is liable to imprisonment for five years.

## **Rescues, Escapes and obstructing Officers of Court of Law**

### **Rescue from lawful custody (a)**

~~**127.** Any person, who by force rescues or attempts to rescue from lawful custody any other person—~~

- ~~(a) is, if such last named person is under sentence of death or imprisonment for life, or charged with an offence punishable with death, or imprisonment for life, guilty of a felony and is liable to imprisonment for life; and~~

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(a) Section 127 up to and including 129 repealed and replaced by Ordinance 9/2013 – came into force on 01 April 2013

- ~~(b) is, if such other person is imprisoned on a charge or under sentence for any offence other than those specified above, guilty of a felony and is liable to imprisonment for seven years; and~~
- ~~(c) is, in any other case, guilty of a misdemeanour.~~

~~If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.~~

### ***Rescue from lawful custody***

*127.—(1) A person who, by force or the threat of force, rescues or attempts to rescue a person from lawful custody commits a felony and is liable on conviction to imprisonment for a term not exceeding 7 years.*

*(2) A person who, without force or the threat of force, rescues or attempts to rescue a person from lawful custody commits a felony and is liable on conviction to imprisonment for a term not exceeding 5 years.*

*(3) If the person (P) in lawful custody is in the lawful custody of a private individual, no offence under this section is committed unless the person making, or attempting to make, the rescue knows that P is in lawful custody.*

### ***Escape from lawful custody***

~~128. Any person who, being in lawful custody for any criminal offence, escapes from such custody—~~

- ~~(a) is, if he is charged with, or has been convicted of, felony, guilty of a felony, and is liable to imprisonment for seven years; and~~
- ~~(b) is, in any other case, guilty of a misdemeanour.~~

### ***Escape from lawful custody***

*128. A person who escapes, or attempts to escape, from lawful custody commits a felony and is liable on conviction to imprisonment for a term not exceeding 5 years.*

### ***Aiding prisoners to escape***

~~129. Any person who—~~

- ~~(a) aids a prisoner in escaping or attempting to escape from lawful custody; or~~
- ~~(b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner;~~

~~is guilty of a felony, and is liable to imprisonment for seven years.~~

### ***Aiding escape from lawful custody***

*129.—(1) A person commits a felony if the person—*

- (a) aids a person to escape, or to attempt to escape, from lawful custody; or*
- (b) brings, throws or otherwise conveys, or causes another person to bring, throw or otherwise convey, into a prison or a police station anything that may be used to facilitate the escape of a person held in lawful custody.*

*(2) A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 5 years.*

### ***Conveying mobile telephone into police station or prison (a)***

**129A.**—(1) *A person commits a misdemeanour if, without lawful authority, the person brings, throws or otherwise conveys, or causes another person to bring, throw or otherwise convey, a mobile telephone or other mobile communication device into a police station or prison, intending it to come into the possession of a person held in lawful custody.*

*(2) A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 12 months or a fine not exceeding €2,000 or to both.*

### **Refusal or neglect to aid public officer in prevention of crime**

**130.** Any person who, being lawfully commanded by any public officer, peace officer or other person to give aid for the prevention of crime, or for arresting any person or for preventing the rescue or escape of any person, refuses or neglects to give such aid according to his ability is guilty of a misdemeanour.

### **Removal, etc., of property under lawful seizure**

**131.** Any person who, when any property has been attached or taken under the process of authority of any Court, knowingly and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals or disposes of such property, is guilty of a felony, and is liable to imprisonment for three years.

### **Obstructing Court officers**

**132.** Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any Court is guilty of a misdemeanour, and is liable to imprisonment for one year.

## **Miscellaneous Offences against Public Authority**

### **Frauds and breaches of trust by public officers**

**133.** Any person employed in the public service who, in the discharge of the duties of his office, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person, is guilty of a misdemeanour.

### **Neglect of official duty**

**134.** Any person employed in the public service who wilfully neglects to perform any duty which he is bound by law to perform, provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter, is guilty of a misdemeanour.

### **Disclosure of official secrets**

**135.**—(1) Any person employed in the public service who publishes or communicates any fact which comes to his knowledge by virtue of his office, and which it is his duty to keep secret or any document which comes to his possession by virtue of his office and which it is his duty to keep secret, except to some person to whom he is bound to publish or communicate is guilty of a misdemeanour.

(2) Any person who being employed in the public service, without proper authority, abstracts, or makes a copy of, any document the property of his employer is guilty of a misdemeanour and is liable to imprisonment for a term not exceeding one year.

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(a) Section 129A inserted by Ordinance 9/2013 – came into force on 01 April 2013

### **Restriction of prosecutions**

(3) A prosecution for an offence under the provisions of this section shall not be commenced except by, or with the consent of, the Attorney—General.

### **Disobedience to statutory duty**

**136.** Every person who wilfully disobeys any Law by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, is guilty of a misdemeanour and is liable, unless it appears from the Law that it was the intention of the Legislature to provide some other penalty for such disobedience, to imprisonment for a term not exceeding two years or to a fine not exceeding ~~one hundred pounds~~ *three hundred pounds* (a) or to both.

### **Disobedience of lawful orders**

**137.** Everyone who disobeys any order, warrant or command duly made, issued or given by any Court, officer or person acting in any public capacity and duly authorised in that behalf is guilty of a misdemeanour and is liable, unless any other penalty or mode of proceeding is expressly prescribed in respect of such disobedience, to imprisonment for two years.

## **PART 4**

### **OFFENCE INJURIOUS TO THE PUBLIC IN GENERAL**

#### **Offences relating to Religion**

#### **Insult to religion of any class**

**138.** Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanour.

#### **Disturbing religious assemblies**

**139.** Any person, who voluntarily causes disturbance to any assembly lawfully engaged in the performance of a religious worship or religious ceremony, is guilty of a misdemeanour.

#### **Trespassing on burial places**

**140.** Every person, who with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanour.

#### **Uttering words with the intent to wound religious feelings**

**141.** Any person who with the deliberate intention of wounding the religious feelings of any person utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, is guilty of a misdemeanour and is liable to imprisonment for one year.

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

### **Publications insulting religion**

**142.**—(1) Any person who publishes a book or pamphlet or any article or letter in a newspaper or periodical which any class of persons consider as a public insult to their religion, with intent to vilify such religion or to shock or insult believers in such religion is guilty of a misdemeanour.

(2) A prosecution for an offence under the provisions of this section shall not be commenced except by, or with the consent of, the Attorney—General.

### **Destruction**

#### **Destroying or damaging public buildings, monuments and trees**

**143.** Any person who demolishes, destroys, pulls down or damages any building or monument intended for public use or ornaments, or who cuts down, destroys or damages trees growing in any public place is guilty of a misdemeanour and is liable to a fine not exceeding ~~ten pounds~~ *fifty pounds* (a) or to imprisonment for three months.

### **Offences against Morality**

#### **Definition of rape**

**144.** Any person who has unlawful carnal knowledge of a female, without her consent, or with her consent, if the consent is obtained by force or fear of bodily harm, or, in the case of a married woman, by personating her husband, is guilty of the felony termed rape.

#### **Punishment of rape**

**145.** Any person who commits the offence of rape is liable to imprisonment for life, ~~with or without whipping or flogging.~~ (b)

#### **Attempt to commit rape**

**146.** Any person who attempts to commit rape is guilty of a felony, and is liable to imprisonment for ten years ~~with or without whipping or flogging.~~ (c)

#### **Incest**

**147.** Any male person who has carnal knowledge of a female person, irrespective of whether with the consent or not of such female person, who is to his knowledge his grand daughter, daughter, sister or mother shall be guilty of the offence of incest and shall be liable to imprisonment for ~~seven~~ *14* (d) years.

#### ***Incest by a woman*** (e)

*147A. Any female person of the age of seventeen or over who permits a male person whom she knows to be her grandfather, father, brother or son to have carnal knowledge of her with her consent shall be guilty of the offence of incest and shall be liable to imprisonment for 7 years.*

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973  
(b) Reference to flogging or whipping deleted by Ordinance 1/1973 – came into force on 10 January 1973  
(c) Reference to flogging or whipping deleted by Ordinance 1/1973 – came into force on 10 January 1973  
(d) Substitution of 14 for seven inserted by Ordinance 30/2009 – came into force on 30 November 2009  
(e) Section 147A inserted by Ordinance 2/2005 – came into force on 11 February 2005



## **Abduction**

**148.** Any person who, with intent to marry or carnally know a female, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

## **Abduction of girls under sixteen**

**149.** Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour.

## **Compulsion of marriage**

**150.** Any person who by duress causes any person to marry against his or her will, is guilty of a misdemeanour.

## **Indecent assault on females**

**151.** Any person who unlawfully and indecently assaults any female is guilty of a ~~misdemeanour~~ *felony and is liable to imprisonment for five years (a)*.

## **Indecent assault on males**

**152.** Any person who unlawfully and indecently assaults any male person is guilty of a ~~misdemeanour~~ *felony and is liable to imprisonment for five years (b)*.

## **Defilement of girls under thirteen years of age**

**153.**—(1) Any person who unlawfully and carnally knows a female under the age of thirteen years is guilty of a felony and is liable to imprisonment for life ~~with or without flogging or whipping~~. (c)

(2) Any person who attempts to have unlawful carnal knowledge of a female under the age of thirteen years is guilty of a ~~misdemeanour~~ *felony(d)* and is liable to imprisonment for ~~three~~ *fourteen years (e)*.

## ~~**Defilement of girls between thirteen and sixteen years of age (f)**~~

~~**154.** Any person who unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female person of, or above, the age of thirteen years and under the age of sixteen years is guilty of a misdemeanour:~~

~~Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court before which the charge shall be brought that the person so charged had reasonable cause to believe that the female person was of, or above, the age of sixteen years.~~

## **Defilement of girls between thirteen and sixteen years of age**

*154. Any person who unlawfully and carnally knows or attempts to have carnal knowledge of any female of, or above, the age of thirteen years and under the age of*

- 
- (a) Substitution inserted by Ordinance 30/2009 – came into force on 30 November 2009  
(b) Substitution inserted by Ordinance 30/2009 – came into force on 30 November 2009  
(c) Reference to flogging or whipping deleted by Ordinance 7/1979 – came into force on 30 August 1979  
(d) Substitution inserted by Ordinance 7/2003 – came into force on 26 February 2003  
(e) Substitution inserted by Ordinance 7/2003 – came into force on 26 February 2003  
(f) Section 154 repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003

*seventeen years is guilty of a misdemeanour and shall be liable to imprisonment not exceeding three years:*

*Provided that for the purposes of this section the carnal knowledge or the attempt thereof shall not be deemed to be unlawful, and accordingly no offence is committed under this section if, at the material time, the parties concerned are married to each other.*

#### **Defilement of idiots or imbeciles (a)**

~~155. Any person who, knowing a female to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her in circumstances not amounting to rape is guilty of a misdemeanour.~~

#### **Defilement of idiots or imbeciles**

*155. Any person who, knowing a female to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her in circumstances not amounting to rape is guilty of a felony and shall be liable to imprisonment not exceeding fourteen years.*

#### **Suppression of brothels**

~~156.—(1) Any person~~ Any man or woman (b) who—

- (a) keeps or manages or acts or assists in the management of a brothel; or
- (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or
- (c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

is guilty of a misdemeanour.

#### **Determination of the tenancy of premises on conviction for permitting use as brothel etc.**

- (2) (a) Upon the conviction of the tenant, lessee or occupier of any of the premises, of knowingly permitting the premises, or any part thereof, to be used as a brothel, the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract under which the said premises are held by him to some person approved by the landlord or the lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract but without prejudice to the rights or remedies of any party to such lease or contract accrued before the date of such determination. If the landlord or lessor should so determine the lease or other contract of tenancy, the Court which has convicted the tenant, lessee or occupier shall have the power to make a summary order for delivery of possession to the landlord or lessor;
- (b) if the landlord or lessor, after such conviction has been brought to his notice, fails to exercise his rights under the foregoing provisions of this subsection, and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have knowingly aided or abetted the commission of that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence;

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(a) Section 155 repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003

(b) Text changes inserted by Ordinance 7/2003 – came into force on 26 February 2003

- (c) where a landlord or lessor determines a lease or other contract under the powers conferred by this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence as aforesaid, he shall be deemed to have failed to exercise his rights under the foregoing provisions of this section, and any such offence as aforesaid committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

(3) For the purposes of this section, a brothel shall be deemed to include any premises which are used by persons for homosexual acts in circumstances in which, if the acts were heterosexual acts, the premises would be deemed to be a brothel. (a)

### Procuration

157. Any person who—

- (a) procures a girl or woman who is under the age of twenty—one years to have unlawful carnal connection with any other person or persons, either in the Colony or elsewhere; or
- (b) procures a woman or girl to be a common prostitute, either in the Colony or elsewhere; or
- (c) procures a woman or girl to leave the Colony with intent that she may become an inmate of a brothel elsewhere; or
- (d) procures a woman or a girl with intent that she may for the purposes of prostitution become and inmate of a brothel in the Colony or elsewhere,

is guilty of a misdemeanour *and shall be liable to imprisonment for a term not exceeding five years.*(b)

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only unless such witness be corroborated in some material particular by evidence implicating the accused.

### Allowing child or young person to frequent a brothel

158. Any person who having the custody, charge or care of a child or young person between the ages of four and sixteen years allows that child or young person to reside in or frequent a brothel shall be guilty of a misdemeanour and shall be liable to a fine not exceeding ~~twenty—five pounds~~ *one hundred pounds* (c) or to imprisonment for a term not exceeding six months or to both.

### ~~Procuring defilement of woman by threats, or fraud or administering drugs~~ (d)

~~159. Any person who—~~

- ~~(a) by threats or intimidation of any kind procures a female to have unlawful carnal connection with a man, either in the Colony or elsewhere; or~~
- ~~(b) by any false pretence procures a female to have unlawful carnal connection with a man, either in the Colony or elsewhere; or~~
- ~~(c) administers to any female, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her,~~

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(a) Subsection (3) inserted by Ordinance 7/2003 – came into force on 26 February 2003

(b) Prison term inserted by Ordinance 2/1997 – came into force on 17 December 1997

(c) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(d) Section 159 repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003

~~is guilty of a misdemeanour:~~

~~Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only unless such witness be corroborated in some material particular by evidence implicating the accused.~~

***Procuring defilement of a woman or a man by threats, etc***

**159.** Any man or woman who—

- (a) *by threats or intimidation of any kind procures a female to have unlawful carnal connection with a man, or a man to have unlawful carnal connection with another man, either in the Areas or elsewhere; or*
- (b) *by any false pretence procures a female to have unlawful carnal connection with a man, or a man to have unlawful carnal connection with another man, either in the Areas or elsewhere; or*
- (c) *administers to any female, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her; or*
- (d) *administers to any man or causes any man to take, any drug or other thing with intent to stupefy or overpower him, in order to enable any other man, whether a particular man or not, to have unlawful carnal knowledge of him,*

*is guilty of a misdemeanour:*

*Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only unless such witness be corroborated in some material particular by evidence implicating the accused.*

**Householder, etc., permitting defilement of woman under thirteen years on his premises**

**160.** Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman under the age of thirteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony and, on conviction, is liable to imprisonment for five years:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear, to the Court before whom the charge shall be brought, that the person so charged had reasonable cause to believe that the woman was of or above the age of sixteen years.

**Householder etc. permitting defilement of woman under sixteen years of age on his premises**

**161.** Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman above the age of thirteen years and under the age of sixteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court before whom the charge shall be brought, that the person so charged had reasonable cause to believe that the woman was of or above the age of sixteen years.

**Detention with intent or in brothel**

**162.** Any person who detains any woman against her will—

- (a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or

(b) in any brothel,

is guilty of a misdemeanour and is liable to imprisonment for a term not exceeding ~~two~~ *five* (a) years.

### **Constructive detention by withholding clothes**

When a woman is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman by or by the directions of such person, such person threatens such woman with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such women for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

### **Power of search**

**163.** If it appears to any Magistrate, on information made before him on oath by any parent, relative or guardian or any woman or other person who, in the opinion of the Magistrate, is acting bona fide in the interests of any woman, that there is reasonable cause to suspect that such woman is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such Magistrate, such Magistrate may issue a warrant authorizing the person named therein to search for, and, when found, to take to and detain in a place of safety such woman until she can be brought before a Magistrate; and the Magistrate before whom such woman is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

A Magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman to be apprehended and brought before a Magistrate and proceedings to be taken for punishing such person according to law.

A woman shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purposes of being unlawfully and carnally known by any man, whether any particular man or generally: and—

- (a) either is under the age of sixteen years; or
- (b) if she is of or over the age of sixteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or
- (c) if she is of or over the age of eighteen years and is so detained against her will.

Any person authorised by warrant under this section to search for any woman so detained as aforesaid may enter (if need be by force) any house, building or other place mentioned in the warrant, and may remove such woman therefrom:

Provided always that every warrant issued under this section authorizing the search for any woman in any house, building or other place shall be addressed to and executed by a peace officer.

### **Person living on earnings of prostitution or persistently soliciting**

**164.**—(1) ~~Every person who—~~

- ~~(a) knowingly lives wholly or in part on the earnings of prostitution; or~~

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(a) Substitution by Ordinance 2/1997 – came into force on 17 December 1997

~~(b) in any public place persistently solicits or importunes for immoral purposes,~~  
is guilty of a misdemeanour ~~and shall be liable to imprisonment for a term not exceeding five years.~~ ~~(a)~~ **(b)**

**164.**—(1) Any man or woman who—

- (a) knowingly lives wholly or in part on the earnings of a prostitute, whether the sexual activities of the prostitute concerned are with persons of the same sex as that of the prostitute or with persons of the opposite sex; or
- (b) in any public place persistently solicits or importunes other persons (of either sex) for immoral purposes;

is guilty of a misdemeanour and is liable to imprisonment not exceeding five years.

(2) If it is made to appear to a Magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a woman *or a man* **(c)** for purposes of prostitution, and that any person residing in or frequenting the house is living wholly or in part on the ~~earnings of the prostitute~~ *earnings from prostitution engaged in by that woman or man*, **(d)** the Magistrate may issue a warrant authorizing any peace officer to enter and search the house and to arrest that person.

(3) Where a person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting or compelling her to prostitution with any other person, or generally, he or she shall, unless he or she shall satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

(4) *For the purposes of this section, a woman shall be deemed capable of engaging in an act of prostitution either with a man or with another woman and a man shall be deemed capable of engaging in an act of prostitution with a woman or with another man.* **(e)**

#### **~~Woman aiding, etc., for gain prostitution of another woman~~**

~~**165.** Every woman who is proved to have, for the purpose of gain, exercised control, direction or influence over the movement of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, is guilty of a misdemeanour.~~ **(f)**

#### **Conspiracy to defile**

**166.** Any person who conspires with another to induce any female *or male* **(g)** by means of any false pretence or other fraudulent means, to permit any person to have unlawful carnal knowledge of her *or of him* **(h)** is guilty of a felony, and is liable to imprisonment for three years.

#### **Attempts to procure abortion**

**167.** Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

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(a) Imprisonment added by Ordinance 2/1997 – came into force on 17 December 1997  
(b) Subsection (1) repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003  
(c) Text inserted by Ordinance 7/2003 – came into force on 26 February 2003  
(d) Text inserted by Ordinance 7/2003 – came into force on 26 February 2003  
(e) Subsection (4) inserted by Ordinance 7/2003 – came into force on 26 February 2003  
(f) Section 165 repealed by Ordinance 25/2009 – came into force on 04 November 2009  
(g) Text inserted by Ordinance 7/2003 (as corrected by PI 54/03) – came into force on 26 February 2003  
(h) Text inserted by Ordinance 7/2003 – came into force on 26 February 2003

### **The like by woman with child**

168. Any person who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

### **Supplying drugs or instruments to procure abortion**

169. Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

### **Knowledge of age of female immaterial**

170. Except as otherwise expressly stated, it is immaterial in the case of any of the offences committed with respect to a woman or girl under a specified age, that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

### **Unnatural offences (a)**

171. Any person who—

(a) ~~has carnal knowledge of any person against the order of nature; or~~

(b) ~~permits a male person to have carnal knowledge of him against the order of nature,~~

~~is guilty of a felony and is liable to imprisonment for five years.~~

### **Buggery between male persons (b)**

~~171.—(1) A male person who commits buggery with another male person in a public place or in private if one of the parties is under 18 years of age is guilty of a felony and is liable on conviction to a term of imprisonment not exceeding five years;~~

~~(2) A male person who by means of any undue influence induces another male person to commit buggery with him, or an adult male person who seduces another male under the age of 18 years to commit buggery with him, or a male person who commits buggery with another male person systematically for profit, is guilty of a felony and is liable to conviction to a term of imprisonment not exceeding five years.~~

### **Sexual intercourse between males**

*171.—(1) The commission of, or an attempt to commit, buggery between males shall constitute a misdemeanour if one of the males is under the age of seventeen.*

*(2) Any person who commits an offence contrary to subsection (1) shall be liable to imprisonment not exceeding three years.*

### **Unnatural offence with violence**

~~172. Any person who with violence commits either of the offence specified in the last preceding section is guilty of a felony and is liable to imprisonment for fourteen years.~~

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(a) Sections 171 to 174 repealed and replaced by Ordinance 19/2000 – came into force on 21 November 2000

(b) Section 171 repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003

### **Buggery with violence**

*172. A male person who with violence commits buggery with another male person is guilty of a felony and is liable on conviction to imprisonment for a term not exceeding 14 years.*

### **Attempts**

*173. Any person who attempts to commit either of the offences specified in section 171 is guilty of a felony and is liable to imprisonment for three years, and if the attempt is accompanied with violence he is liable to imprisonment for seven years.*

### **Attempts**

~~*173. (1) A male person who attempts to commit an offence contrary to section 171 above, is guilty of a misdemeanour and is liable on conviction to imprisonment for a term not exceeding three years.*~~

*(2) (a) A male person who attempts to commit an offence contrary to section 172 above is guilty of a felony and is liable on conviction to imprisonment for a term not exceeding seven years.*

### **Unnatural offence with child under thirteen**

~~*174. Any person who has, or attempts to have, with or without violence, carnal knowledge of a child under thirteen year of age against the order of nature is guilty of a felony and is liable to imprisonment for fourteen years with or without whipping or flogging (b).*~~

### **~~Buggery with children under 13 years of age or with mental defectives~~ (c)**

~~*174. (1) A male person who with or without violence, commits, or attempts to commit, buggery with any child under the age of thirteen years of age or with any person who is a mental defective, is guilty of a felony and is liable on conviction to imprisonment for life;*~~

~~*(2) For the purposes of this section the expression "mental defective" means a person suffering from a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social function.*~~

### **Sexual intercourse with male under thirteen years**

*174. (1) Any person who, whether with or without violence, has sexual intercourse with a male under the age of thirteen years, shall be guilty of a felony and is liable to imprisonment for life.*

*(2) Any person who attempts to commit an offence contrary to subsection (1) is guilty of a felony and is liable to imprisonment for fourteen years.*

*(3) Any male who, knowing that another male is an imbecile or a mental defective, has or attempts to have unlawful sexual intercourse with him in circumstances which do not constitute an offence under section 172, shall be guilty of a felony and shall be liable to imprisonment not exceeding fourteen years.*

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(a) Subsection (1) and the No.(2) repealed by Ordinance 7/2003 – came into force on 26 February 2003  
(b) Reference to flogging or whipping deleted by Ordinance 1/1973 – came into force on 10 January 1973  
(c) Section 174 repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003



***Soliciting or importuning minors to commit buggery*** (a)

~~174A. A male person who by any lewd or indecent behaviour solicits or importunes another male person aged under eighteen years with the intention of committing buggery with him is guilty of a misdemeanour and is liable on conviction to imprisonment for a term not exceeding one year. (b)~~

**Bestiality**

175. Any person who has carnal knowledge of an animal is guilty of a felony and is liable to imprisonment for three years.

**Indecency**

~~176. Any person who publicly commits any act of indecency is guilty of a misdemeanour and is liable to a fine not exceeding ten pounds *fifty pounds* (c) or to imprisonment for three months. (d)~~

**Indecency**

176. Any person who publicly commits any act of indecency is guilty of a misdemeanour and is liable to imprisonment for two years.

**~~Obscene publications and exhibitions~~** (e)

177. Any person who—

- ~~(a) sells or has in his possession for sale or hire or prints for sale or hire any obscene book or other obscene printed or written matter, or any obscene picture, photograph, drawing or model, or any other object tending to corrupt morals; or~~
- ~~(b) exposes to view in any public place any obscene picture, photograph, drawing or model, or any other object tending to corrupt morals; or~~
- ~~(c) exhibits any indecent show or performance in any public place,~~

is guilty of a misdemeanour.

~~It is a defence to a charge of any of the offences defined in this section to prove that it was for the public benefit that the act complained of should be done.~~

***Indecent exhibitions***

177.—(1) Any person who, in any public place exhibits any indecent show or performance is guilty of an offence and is liable to a fine not exceeding three hundred pounds or to imprisonment not exceeding two years or to both such imprisonment and fine.

(2) A person shall not be convicted of an offence contrary to sub—section (1) of this section if it is proved that the act complained of was for the public benefit to be done or performed.

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(a) Section 174A inserted by Ordinance 19/2000 – came into force on 21 November 2000  
(b) Section 174A repealed by Ordinance 7/2003 – came into force on 26 February 2003  
(c) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973  
(d) Section 176 repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003  
(e) Section 177 repealed and replaced by Ordinance 17/1963 – came into force on 25 July 1963

## Offences relating to Marriage and Domestic Obligations

### Fraudulent pretence of marriage

**178.** Any person who wilfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to co—habit or have sexual intercourse with him in that belief, is guilty of a felony and is liable to imprisonment for ten years.

### Bigamy

**179.** Any person who, having a husband or wife living, ~~marries in the Colony~~ *marries in the Areas or elsewhere*, (a) in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, is guilty of a felony and is liable to imprisonment for five years:

Provided that it is a good defence to a charge brought under this section to prove—

- (a) that the former marriage has been declared void by a Court of competent jurisdiction or by a competent ecclesiastical authority; or
- (b) the continuous absence of the former husband or wife, as the case may be, at the time of the subsequent marriage for the period of seven years then last past without knowledge or information that such former husband or wife was alive within that period; or
- (c) that the law governing the personal status of the husband allows him to have more than one wife.

### Marriage ceremony fraudulently gone through without lawful marriage

**180.** Any person who dishonestly or with a fraudulent intention goes through the ceremony of marriage, knowing that he is not thereby lawfully married, is guilty of a felony and is liable to imprisonment for five years.

### Exposure of child

**181.** Any person who unlawfully abandons or exposes any child under the age of two years, whereby the life of the child is endangered or its health has been or is likely to be permanently injured, is guilty of a felony and is liable to imprisonment for five years.

### Neglect of filial duty

**182.**—(1) Any person over the age of seventeen, possessed of sufficient means, who wilfully neglects or refuses to provide adequate food, clothing, medical aid or lodging for any of his parents, who, owing to mental or bodily weakness or old age, is unable to provide for himself shall be guilty of a misdemeanour.

(2) Upon a conviction under this section a Court may order that any property registered or in the possession of the person convicted which may have been received as a gift from such parent shall be re—transferred or re—delivered to such parent and ay such order shall be sufficient authority to the Land Registry Office to cause any necessary amendments to the relative registration to be effected but so that any rights of a third person shall not be prejudicially affected.

### Power to the Court to make maintenance orders

**183.**—(1) A Court, before which a person is convicted for an offence under section 182 of this Code, may, in lieu of any other punishment, make an order (hereinafter in this section referred to

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(a) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003

as “the maintenance order”) that the person convicted shall maintain the child or parent, as the case may be, and such order may include a provision that the person convicted shall pay to the child or the parent, as the case may be, or to any officer of Court or other person for the use of such child or parent, such weekly sum not exceeding three pounds as the Court shall, having regard to the means of the person convicted, consider reasonable.

(2) Any maintenance order may, at any time, be altered, varied, suspended or discharged by the Court and the Court may, upon application of an interested party, from time to time, increase or diminish the amount of any weekly payment ordered to be made, but so that the same does not, in any case, exceed the sum of three pounds.

(3) Where any person who without proper cause fails to comply with a maintenance order for weekly payments, the Court may order that the arrears due under the maintenance order be levied and recovered as a penalty in all respects in accordance with and subject to the provisions of the Criminal Procedure Law (**cap 155**) or of any Law amending or substituted for the same including the power to commit to prison in lieu of issuing a warrant for execution, provided that no order shall be made for the recovery of arrears falling due more than six months prior to the making of the order.

(4) No warrant of execution or of commitment under subsection (3) of this section shall affect the force and effect of a maintenance order unless the Court shall otherwise direct.

### **Master not providing for servants or apprentices**

**184.** Any person who being legally liable either as master or mistress to provide for any apprentice or servant necessary food, clothing or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or service is endangered or that his health has been or is likely to be permanently injured, is guilty of a misdemeanour.

### **Child stealing**

**185.** Any person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child—

- (a) forcibly or fraudulently takes or entices away or detains the child; or
- (b) receives or harbours the child, knowing it to have been so taken or enticed away or detained,

is guilty of a felony, and is liable to imprisonment for seven years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father

## **Nuisances**

### **Common nuisance**

**186.** Any person who does an act not authorized by law or omits to discharge a legal duty and thereby causes any common injury, or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits the misdemeanour termed a common nuisance and is liable to imprisonment for one year.

It is immaterial that the act or omission complained of is convenient to a larger number of the public than it inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

***Breach of the peace in a public place (a)***

**186A.** *Any person who, in any public place, conducts himself in a manner likely to cause a breach of the peace, shall be guilty of a misdemeanour and be liable on conviction to imprisonment for one month or to a fine not exceeding seventy five pounds or to both.*

**Use of sound amplifying instruments on or near public places**

**187.**—(1) No person shall use or operate or cause or permit any other person to use or operate any loudspeaker, megaphone, amplifier or other instrument automatically, mechanically or electrically amplifying or transmitting amplified sound—

- (a) in any public place; or
- (b) in any other place in such manner or circumstances that the sound so amplified is audible in any public place,

save under a permit issued by the Commissioner or such person as the Commissioner may authorise in that behalf and in accordance with such conditions as may be attached to such permit:

Provided that no permit shall be required for the use or operation of—

- (a) any loudspeaker, megaphone or amplifier installed within a church or mosque solely for the purpose of relaying any religious service or ceremony, held in accordance with the adopted rites of such church or mosque and so as the sound amplified thereby not to be audible in any other public place;
- (b) any instrument solely used or operated for the exhibition of a cinematograph film in any place or premises duly licensed for the purpose and so as the sound amplified thereby not to be audible in any other public place.

(2) Any person who acts in contravention of subsection (1) or of any condition attached to any permit issued thereunder is guilty of a misdemeanour and is liable to a fine not exceeding ~~twenty five pounds~~ ~~(b) fifty pounds~~ ~~(c) five thousand pounds~~ or to imprisonment for six months or to both and the Court trying the offence may order that the instrument in respect of which the offence has been committed shall be forfeited *or that the operation of any permit issued under subsection (1) above shall be suspended for a period not exceeding one month:*

*Provided that in the case of a second or subsequent conviction, the Court may order that the operation of any permit issued under subsection (1) above shall be suspended for a period not exceeding three months. (d)*

(3) The provisions of this section shall be in addition to, and not in substitution for, the provisions of any other Law or public instrument relating to the use or operation of any of the instruments referred to therein but so that no person shall be punished twice on the same set of facts.

(4) *Where there is a reasonable cause to believe that in any public place, the offence referred to in subsection (1) of this Section is being committed, any member of the Police Force may—*

- (a) *enter the public place and require of the proprietor or the person in charge of the said place, to comply forthwith with the provisions of subsection (1) of this Section; and*
- (b) *if the proprietor or the person in charge of the public place as referred to in paragraph (a) of this subsection does not comply accordingly, enter and serve such proprietor or person in charge with a written notice containing the substance of the matter set out in the form specified in the Appendix to this Ordinance; and*

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(a) Section 186A inserted by Ordinance 2/1997 – came into force on 17 December 1997

(b) Deleted and substituted by Ordinance 1/1973 – came into force on 10 January 1973

(c) Deleted and substituted by Ordinance 1/2000 – came into force on 01 March 2000

(d) New text and proviso inserted by Ordinance 1/2000 – came into force on 01 March 2000

(c) *in the case of non—compliance with the written notice referred to in paragraph (b) of this subsection, enter and search such place without a search warrant notwithstanding any other provisions of this or any other Ordinance.*

(5) *Any of the instruments referred to in subsection (1) of this Section the presence or existence of which there is reasonable cause to believe will produce proof of commission of the offence created by subsection (1) of this Section may if such instrument is found during the course of a search conducted under subsection (4) of this Section, be seized and produced in Court, to be treated in the same manner as though it has been seized in the course of a search carried out under a search warrant. (a)*

(6) *Where a second or subsequent offence under this section is committed within twenty four hours of the service of a written notice such as is provided for in paragraph (b) of subsection (4), the provisions of paragraph (c) of that subsection shall apply and any police officer may enter and search such place without a Search Warrant and without the need for service of a second or subsequent written notice. (b)*

### **Idle and disorderly persons**

**188.** The following persons—

- (a) every common prostitute behaving in a disorderly or indecent manner in any public place;
- (b) every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do;
- (c) every male person who, in any public place, solicits or importunes for immoral purposes;
- ~~(d) every person who, in any public place, conducts himself in a manner likely to cause a breach of the peace; and (c)~~

*(d) every person who without lawful excuse does any indecent act in any public place,*

shall be deemed idle and disorderly persons, and are liable on conviction to imprisonment for one month or to a fine not exceeding ~~five pounds~~ *twenty—five pounds (d)* or to both.

### **Soliciting for customers (e)**

**188A.—(1)** *A person (P) commits an offence if in a public place or on public transport P—*

- (a) pesters another person for the purpose of soliciting for customers;*
- (b) unless licensed to act as an agent under Republican law, enters into an agreement with another person for the purpose of directing customers to a relevant business;*  
*or*
- (c) encourages, incites or employs another person to do any of the things specified in paragraph (a) or (b).*

*(2) The offer of goods for sale by a licensed hawker is not pestering another person within the meaning of subsection (1)(a).*

*(3) A person who is convicted of an offence under subsection (1) is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding €2,000, or to both.*

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(a) Subsections (4) and (5) inserted by Ordinance 24/1989 – came into force on 21 December 1989  
(b) Subsection (6) inserted by Ordinance 2/1997 – came into force on 17 December 1997  
(c) (d) repealed and (e) renumbered (d) by Ordinance 2/1997 – came into force on 17 December 1997  
(d) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973  
(e) Section 188A inserted by Ordinance 15/2014 – came into force on 15 May 2014

(4) *In the case of a second or subsequent conviction for an offence under subsection (1), a person is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding €3,417, or to both.*

(5) *Where a person is convicted of an offence under subsection (1)(b), in addition to imposing a penalty under subsection (3) or (4), the court may order that the relevant business on whose behalf P was directing customers must cease to trade for a period not exceeding 6 months.*

(6) *In this section, “relevant business” means—*

- (a) a business providing transport services;*
- (b) a business providing tourist services;*
- (c) a place of entertainment;*
- (d) a shop.*

### **Rogues and vagabonds**

**189.** The following persons—

- (a) every person convicted of an offence under ~~the last preceding section~~ *section 188 (a)* after having been previously convicted as an idle and disorderly person;
- (b) every person wandering abroad and endeavouring by the exposure of wounds or deformation to obtain or gather alms;
- (c) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;
- (d) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself;
- (e) every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose;

shall be deemed to be a rogue and vagabond, and is guilty of a misdemeanour, and is liable for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year.

### **Negligent act likely to spread infection of diseases dangerous to life**

**190.** Any person who unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease, dangerous to life, is guilty of a misdemeanour.

### **Fouling water**

**191.** Any person who voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour.

### **Fouling air**

**192.** Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, is guilty of a misdemeanour.

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(a) Text deleted and new text inserted by Ordinance 15/2014 – came into force on 15 May 2014

## **Offensive trades**

193. Any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, commits and is liable to be punished as for a common nuisance.

## **Defamation**

### **Definition of libel (a)**

194. Any person who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, is guilty of the misdemeanour termed libel.

### **Definition of defamatory matter**

195.—(1) Matter is defamatory which imputes to a person any crime, or misconduct in any public office, or which is likely to injure him in his occupation, calling or office, or to expose him to general hatred, contempt or ridicule.

(2) In this section “crime” means any offence punishable under this Code, and any act punishable under any Law or statute in force within the Colony, and also any act, wheresoever committed, which if committed by a person within the Colony would be punishable under any Law or statute in force within the Colony.

### **Publishing or threatening to publish libel, or proposing to abstain from publishing anything with intent to extort**

196. Every person who publishes or threatens to publish any defamatory matter concerning any other person, or directly or indirectly threatens to print or publish or directly or indirectly proposes to abstain from printing or publishing, any matter or thing touching any other person, with intent to extort any money, or security for money, or valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, is guilty of a misdemeanour and is liable to imprisonment for any term not exceeding three years.

### **Definition of publication**

197.—(1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, deliver or otherwise, so that the defamatory meaning thereof becomes known or is likely to become known, to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed, can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means

### **Definition of unlawful publication**

198. Any publication of defamatory matter concerning a person is unlawful, within the meaning of section 199 to 202 (inclusive), unless —

- (a) the matter is true and it was for the public benefit that it should be published; or

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(a) Sections 194 to 202 repealed by Ordinance 2/2005 – came into force on 11 February 2005

- ~~(b) it is privileged on one of the grounds hereafter mentioned in sections 199 to 202 (inclusive).~~

#### **Cases in which publication of defamatory matter is absolutely privileged**

~~199.—(1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely—~~

- ~~(a) if the matter is published by the Governor, or by the Executive Council or the Legislative Council, in any official document or proceeding; or~~
- ~~(b) if the matter is published in the Executive Council or the Legislative Council by the Governor or by any member of such Council; or~~
- ~~(c) if the matter is published by order of the Governor in Council; or~~
- ~~(d) if the matter is published concerning a person subject to military, naval, or police discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct; or~~
- ~~(e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a Judge or Magistrate or advocate or witness or party thereto; or~~
- ~~(f) if the matter published is in fact a fair report of anything said, done or published in the Executive Council or the Legislative Council; or~~
- ~~(g) if the matter published is in fact a fair report of anything said, done or shown in any judicial proceedings before any Court:—Provided that if the Court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged; or~~
- ~~(h) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under the provisions of this section; or~~
- ~~(i) if the person publishing the matter is legally bound to publish it.~~

~~(2) Where a publication is absolutely privileged, it is immaterial for the purposes of sections 194 to 202 (inclusive) whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith:~~

~~Provided that nothing in this section shall exempt a person from any liability to punishment under any section of this Code other than section 194 to 202 or under any other Law or statute in force within the Colony.~~

#### **Cases in which publication of defamatory matter is conditionally privileged**

~~200. A publication of defamatory matter is privileged on condition that it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely—~~

- ~~(a) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct; or~~
- ~~(b) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or~~



- ~~(c) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness, or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or~~
- ~~(d) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech, or other work, performance, or act published or publicly done or made, or submitted by a person to the judgement of the public, or as to the character of the person so far as it appears therein; or~~
- ~~(e) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person, so far as it appears in such conduct; or~~
- ~~(f) if the matter is a complaint or accusation made by a person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or~~
- ~~(g) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested~~

#### **Explanation as to good faith**

~~201. A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of the last preceding section, if it is made to appear either —~~

- ~~(a) that the matter was untrue, and that he did not believe it to be true; or~~
- ~~(b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or~~
- ~~(c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the private right or interest in respect of which he claims to be privileged.~~

#### **Presumption as to good faith**

~~202. If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on behalf of the accused person, or from evidence given on the part of the prosecution.~~

## **PART 5**

### **OFFENCES AGAINST THE PERSON**

#### **Murder and Manslaughter (a)**

#### **Manslaughter**

~~203. Any person who by an unlawful act or omission cause the death of another person is guilty of the felony termed manslaughter. An unlawful omission is an omission amounting to culpable~~

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(a) Sections 203 to 205 repealed and replaced by Ordinance 11/1963 – came into force on 18 April 1963

~~negligence to discharge a duty whether such omission is or is not accompanied by an intention to cause death or bodily harm.~~

### ***Premeditated murder and homicide***

#### ***Premeditated murder***

*203.—(1) Any person who with premeditation by an unlawful act or omission causes the death of another person is guilty of the felony of premeditated murder.*

~~*(2) Any person convicted of premeditated murder shall be sentenced to death. (a)*~~

*(2) Any person convicted of premeditated murder shall be sentenced to imprisonment for life:*

*Provided that –*

- (i) On sentencing any person convicted of premeditated murder to imprisonment for life, the Court may at the same time declare the period which it recommends to the Administrator as the minimum period which in its view should elapse before the Administrator orders the release of that person on licence under section 11 of the Prison Discipline Ordinance (b);*
- (ii) Subsection (2) of Section 27 of this Code shall apply to such sentence as if it were a sentence of death; and*
- (iii) Section 29 of this Code shall not apply to such sentence.*

#### ***Murder***

~~*204. Any person who of malice aforethought causes the death of another person by an unlawful act or omission is guilty of murder.*~~

#### ***Premeditation***

*204. Premeditation is established by evidence proving whether expressly or by implication an intention to cause the death of any person, whether such person is the person actually killed or not, formed before the act or omission causing the death is committed and existing at the time of its commission.*

#### ***Punishment for murder***

~~*205. Any person convicted of murder shall be sentenced to death.*~~

#### ***Homicide***

*205.—(1) Any person who by an unlawful act or omission causes the death of another person is guilty of the felony of homicide.*

*(2) Any unlawful omission is an omission amounting to culpable negligence to discharge a duty though such omission may not be accompanied by an intention to cause death.*

*(3) Any person who commits the felony of homicide is liable to imprisonment for life.*

#### ***Punishment of manslaughter (c)***

~~*206. Any person who commits the felony of manslaughter is liable to imprisonment for life.*~~

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(a) Subsection (2) repealed and replaced by Ordinance 10/1966 – came into force on 10 June 1966

(b) Cap 286 (Laws of Cyprus) – Construed as a reference to section 10 of the Prisons Ordinance 1971 (Ordinance 11/1971) in accordance with section 10(1) of the Interpretation Ordinance (Cap 1)

(c) Sections 206 and 207 repealed by Ordinance 11/1963 – came into force on 18 April 1963

### **Malice aforethought**

~~207. Malice aforethought shall be deemed to be established by evidence proving whether expressly or by implication any one or more of the following circumstances:—~~

- ~~(a) an intention to cause the death of or to do grievous harm to any person, whether such person is the person actually killed or not;~~
- ~~(b) knowledge that the act or omission causing death will probably cause the death of or of grievous harm to some person, whether such person is the person actually killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused;~~
- ~~(c) an intent to commit a felony when in the circumstances the commission of such felony is dangerous to life and likely in itself to cause death;~~
- ~~(d) an intention by the act or omission to facilitate the flight or escape from custody of any person who has committed or attempted to commit a felony.~~

### **Killing on provocation**

208. When a person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute *premeditated murder (a)*, does the act which causes death in the heat of passion caused by a sudden provocation, that is to say, by any wrongful act or insult or aggravation of such a nature as to deprive a reasonable person of the power of self—control, and before there would be time for the passion of such reasonable person to cool, he is guilty of *homicide (b)* only.

### **Infanticide**

209.—(1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to *premeditated murder (c)*, she shall be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of *homicide (d)* of the child.

(2) Where upon the trial of a woman for the *premeditated murder (e)* of her child, being a child under the age of twelve months, the Court is of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the Court may, notwithstanding that the circumstances were such that but for the provisions of this section it might have returned a verdict of *premeditated murder (f)*, return in lieu thereof a verdict of infanticide.

### **Causing death by want of precaution or carelessness (g)**

~~210. Any person who by want of precaution or by any rash or careless act, not amounting to culpable negligence, unintentionally causes the death of another person is guilty of a~~

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- (a) Premeditated murder substituted for murder by Ordinance 11/1963 – came into force on 18 April 1963
  - (b) Homicide substituted for manslaughter by Ordinance 11/1963 – came into force on 18 April 1963
  - (c) Premeditated murder substituted for murder by Ordinance 11/1963 – came into force on 18 April 1963
  - (d) Homicide substituted for manslaughter by Ordinance 11/1963 – came into force on 18 April 1963
  - (e) Premeditated murder substituted for murder by Ordinance 11/1963 – came into force on 18 April 1963
  - (f) Premeditated murder substituted for murder by Ordinance 11/1963 – came into force on 18 April 1963
  - (g) Section 210 repealed and replaced by Ordinance 24/1989 – came into force on 21 December 1989

~~misdemeanour and is liable to imprisonment for two years, or to a fine not exceeding one hundred pounds *three hundred pounds* (a).~~

~~**Causing death by a reckless, rash or dangerous act** (b)~~

~~*210. Any person who by a reckless, rash or dangerous act or conduct, not amounting to criminal homicide, unintentionally causes the death of another person shall be guilty of a misdemeanour and shall be liable to imprisonment for two years or to a fine not exceeding one thousand pounds.*~~

**Causing death by a reckless, rash or dangerous act**

*210. Any person who by a reckless, rash or dangerous act or conduct, not amounting to criminal homicide, unintentionally causes the death of another person, shall be guilty of an offence and shall on conviction be liable to imprisonment not exceeding four years or to a fine not exceeding two thousand five hundred pounds.*

**Causing death defined**

**211.** A person is deemed to have caused the death of another person although his act is not the immediate or not the sole cause of death in any of the following cases:—

- (a) if he inflicts bodily injury on another which causes surgical or medical treatment which causes death. In this case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill;
- (b) if he inflicts a bodily injury on another which would not have caused death if the injured person submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living;
- (c) if by actual violence or threat of violence he causes a person to do some act which causes his own death, such act being a mode of avoiding such violence or threats which under the circumstances would appear natural to the person injured;
- (d) if by any act or omission he hastened the death of a person suffering under any disease or injury which apart from such act or omission would have caused death;
- (e) if this act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of other persons.

**When child deemed to be a person**

**212.** A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the umbilical cord is severed or not.

**Limitation as to time of death**

**213.** A person is not deemed to have killed another if the death of that other person does not take place within a year and a day of the death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(b) Section 210 repealed and replaced by Ordinance 15/2001 – came into force on 31 August 2001

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

### **Offences connected with *Premeditated murder (a)* and *Suicide***

#### **Attempt to ~~murder~~ *kill (b)***

**214.** Any person who—

- (a) attempts unlawfully to cause the death of another;
- (b) with intent unlawfully to cause the death of another does any act, or omits to do any act which it is his duty to do, such act or omission being of such a nature as to be likely to endanger human life,

is guilty of a felony, and is liable to imprisonment for life.

#### **Attempt to ~~murder~~ by convict**

~~215. Any person who, being under sentence of imprisonment for three years or more, attempts to commit murder is liable to imprisonment for life with or without whipping or flogging. (c)~~

#### **Written threats to ~~murder~~ *kill (d)***

**216.** Any person who, knowing the contents thereof, directly or indirectly causes to be received any writing threatening to kill any person is guilty of a felony, and is liable to imprisonment for seven years.

#### **Conspiracy to ~~murder~~ *kill (e)***

**217.** Any person who conspires with any other person to kill any person, whether such person is in the Colony or elsewhere, is guilty of a felony, and is liable to imprisonment for fourteen years.

#### **Abetting ~~suicide~~ (f)**

~~218. Any person who—~~

- ~~(a) procures another to kill himself; or~~
- ~~(b) counsels another to kill himself and thereby induces him to do so; or~~
- ~~(c) aids another in killing himself,~~

~~is guilty of a felony, and is liable to imprisonment for life.~~

#### ***Criminal liability for complicity in another's suicide***

*218. A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of a felony and shall be liable on conviction to imprisonment for ten years.*

- 
- (a) "Premeditated murder" substituted for "murder" by Ordinance 11/1963 – came into force on 18 April 1963
  - (b) "Kill" substituted for "murder" by Ordinance 11/1963 – came into force on 18 April 1963
  - (c) Section 215 repealed by Ordinance 11/1963 – came into force on 18 April 1963
  - (d) "Kill" substituted for "murder" by Ordinance 11/1963 – came into force on 18 April 1963
  - (e) "Kill" substituted for "murder" by Ordinance 11/1963 – came into force on 18 April 1963
  - (f) Section 218 repealed and replaced by Ordinance 8/1982 – came into force on 19 November 1982

### **Attempting suicide (a)**

~~219. Any person who attempts to kill himself is guilty of a misdemeanour.~~

### **Concealing the birth of child**

220. Any person who, when a woman is delivered of a child, endeavours, by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at, or after the birth, is guilty of a misdemeanour.

## **Duties relating to the Preservation of Life and Health**

### **Responsibility of person who has charge of another**

221. It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge, and who is unable to provide himself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessaries of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty.

### **Duty of head of family**

222. It is the duty of every person who, as head of the family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child; and he is held to have caused any consequences which result to the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

### **Duty of master**

223. It is the duty of every person who as mater or mistress has contracted to provide necessary food, clothing or lodging, for any servant or apprentice under the age of sixteen years to provide the same; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

### **Duty of persons doing dangerous acts**

224. It is the duty of every person who, except in a case of necessity undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

### **Duty of persons in charge of dangerous things**

225. It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

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(a) Section 219 repealed by Ordinance 8/1982 – came into force 19 November 1982

## **Offences endangering Life or Health**

### **Disabling in order to commit felony or misdemeanour**

**226.** Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, renders or attempts to render any person incapable of resistance, is guilty of a felony, and is liable to imprisonment for life.

### **Stupefying in order to commit felony or misdemeanour**

**227.** Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, administers or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a felony, and is liable to imprisonment for life.

### **Acts intended to cause grievous harm or prevent arrest**

**228.** Any person who, with intent to maim, disfigure or disable any person or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person—

- (a) unlawfully wounds or does any grievous harm to any person by any means whatever; or
- (b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a knife, or other dangerous or offensive weapon; or
- (c) unlawfully causes any explosive substance to explode; or
- (d) sends or delivers any explosive substance or other dangerous or noxious thing to any person; or
- (e) causes any such substance or thing to be taken or received by any person; or
- (f) puts any corrosive fluid or any destructive or explosive substance in any place; or
- (g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person,

is guilty of a felony and is liable to imprisonment for life.

### **Preventing escape from wreck**

**229.** Any person who unlawfully—

- (a) prevents or obstructs any person who is on board of, or is escaping from, a vessel which is in distress or wrecked, in his endeavours to save his life;
- (b) obstructs any person in his endeavours to save the life of any person so situated,

is guilty of a felony, and is liable to imprisonment for life.

### **Intentionally endangering safety of persons travelling by railway**

**230.** Any person who, with intent to injure or to endanger the safety of any person travelling by any railway, whether a particular person or not—

- (a) places anything on the railway; or
- (b) deals with the railway, or with anything whatever upon or near the railway, in such a manner as to affect or endanger the free and safe use of the railway or the safety of any such person; or
- (c) shoots or throws anything at, into or upon or causes anything to come into contact with any person or thing on the railway; or

- (d) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or
- (e) by any omission to do any act which it is his duty to do causes the safety of any such person to be endangered,

is guilty of a felony, and is liable to imprisonment for life.

### **Grievous harm**

**231.** Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for seven years, or to a fine or to both.

### **Attempting to injure by explosive substances**

**232.** Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years, or to a fine or to both.

### **Maliciously administering poison with intent to harm**

**233.** Any person who unlawfully, and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by, any person, and thereby endangers his life, or does him some grievous harm, is guilty of a felony, and is liable to imprisonment for fourteen years.

### **Offence of female genital mutilation (a)**

**233A.**—(1) *Subject to subsection (2), a person commits an offence if he—*

- (a) *excises, infibulates or otherwise mutilates the whole or any part of a woman’s labia majora, labia minora or clitoris; or*
- (b) *aids, abets, counsels or procures another person to commit any of the acts referred to in subsection (1)(a).*

(2) *No offence is committed by a medical practitioner who performs —*

- (a) *a surgical operation on a woman which is necessary for her physical health; or*
- (b) *a surgical operation on a woman who is in any stage of labour, or has just given birth, for purposes connected with the labour or birth,*

*provided two medical practitioners have certified that in their opinion such surgical operation is necessary.*

(3) *Any consent on the part of a woman to any of the acts referred to in subsection (1) shall not constitute a defence nor be regarded as a mitigating factor in the determination of any penalty to be imposed.*

(4) *Any person who commits an offence contrary to the provisions of this section shall be liable to a term of imprisonment not exceeding 5 years.*

(5) *For the purposes of this section “medical practitioner” means a medical practitioner registered under the Medical Practitioners Ordinance 1964 (b).*

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(a) Sections 233A and 233B inserted by Ordinance 2/2005 – came into force on 11 February 2005  
(b) Ordinance 10/1964



### ***Offence of assisting a non—resident of the Areas to mutilate overseas a female’s genitals***

**233B.**—(1) *A person is guilty of an offence if he aids, abets, counsels or procures a person who is not a resident of the Areas to do a relevant act of female genital mutilation outside the Areas.*

(2) *An act is a relevant act of female genital mutilation if—*

- (a) *it is done in relation to a resident of the Areas, and*
- (b) *it would, if done by such a person, constitute an offence under section 233A.*

(3) *No offence is committed if the relevant act of female genital mutilation—*

- (a) *is a surgical operation falling within section 233A(2)(a) or (b), and*
- (b) *is performed by a person who, in relation to such an operation, is a medical practitioner within the meaning of the Medical Practitioners Ordinance 1964, or exercises functions corresponding to those of a medical practitioner.*

(4) *For the purposes of this section, a resident of the Areas means a person who is—*

- (a) *ordinarily resident in the Areas;*
- (b) *a recognised resident;*
- (c) *temporarily resident in the Areas as—*
  - (i) *a member of Her Majesty’s Forces;*
  - (ii) *a member of a Civilian Component as defined in paragraph (1) of section 1 of Annex C of the Treaty of Establishment;*
  - (iii) *a person enjoying the rights and facilities of members of her Majesty’s Forces by virtue of paragraph 3 of section 9 of Part II of Annex B of the Treaty of Establishment.*

(5) *Any person who commits an offence contrary to the provisions of this section shall be liable to a term of imprisonment not exceeding 5 years.*

### **Wounding and similar acts**

**234.** Any person who—

- (a) unlawfully wounds another; or
- (b) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person, is guilty of a felony and is liable to imprisonment for three years.

### **Failure to supply necessities**

**235.** Any person who, being charged with the duty of providing for another necessities of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony and is liable to imprisonment for three years.

### ***Abandoning the place of the accident without rendering any assistance (a)***

**235A.**—(1) *Any person who, having been implicated in an accident which caused the death or bodily harm of another person, abandons the place of the accident without rendering any assistance, shall be guilty of a misdemeanour and shall be liable to imprisonment for two years or to a fine not exceeding one thousand pounds or to both such imprisonment and fine.*

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(a) Section 235A inserted by Ordinance 24/1989 – came into force on 21 December 1989

(2) Any person who, having been implicated in an accident which caused damage to property, abandons the place of the accident without rendering assistance, shall be guilty of a misdemeanour and shall be liable to imprisonment for one year or to a fine not exceeding one thousand pounds or to both such imprisonment and fine.

(3) Except where the Court for special reasons, having taken into consideration the full circumstances of the case orders otherwise, a person who was at the time of such accident in charge of a motor vehicle and who is sentenced under subsections (1) or (2) of this Section, shall in addition be deprived of his driving licence for a minimum period of one year, commencing from the date of the passing of the sentence, as the Court deems opportune.

(4) For the purpose of subsection (3) of this Section, driving licence shall mean any licence to drive motor vehicles issued by any authority whether an authority of the Sovereign Base Areas or otherwise, and recognized as permitting the holder to drive in the Areas under any legislation of the Areas or any doctrine of common law.

### **Criminal Recklessness and Negligence**

#### **Reckless and negligent acts**

**236.** Any person who in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any other person—

- (a) drives a vehicle or rides on any public way; or
- (b) navigates, or takes part in the navigation or working of, any vessel; or
- (c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession; or
- (d) omits to take precautions against any probable danger from any animal in his possession; or
- (e) gives medical or surgical treatment to any person whom he has undertaken to treat; or
- (f) dispenses, supplies, sells, administers or gives away, any medicine or poisonous or dangerous matter; or
- (g) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery *substance, equipment, device or other thing* (a) of which he is solely or partly in charge; or
- (h) does any act with respect to, or omits to take proper precautions against any probable danger from any explosive in his possession,

is guilty of a misdemeanour.

#### **Other negligent acts causing harm**

**237.** Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in the preceding section, by which act or omission harm is caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for six months, or to a fine not exceeding ~~fifty pounds~~ *one hundred pounds*, (b) or to both.

#### **Endangering safety of persons travelling by railway**

**238.** Any person who by any lawful act, or omission not specified in section 230 of this Code, causes the safety of any person travelling by any railway to be endangered, is guilty of a misdemeanour.

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(a) Text inserted by Ordinance 12/2009 – came into force on 22 June 2009

(b) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

### **Exhibition of false light, mark or buoy**

239. Any person who exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be liable to imprisonment for seven years, or to a fine, or to both.

### **Conveying person by water for hire in unsafe or overloaded vessel**

240. Any person who knowingly or negligently conveys or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to be unsafe, is guilty of a misdemeanour.

### **Danger of obstruction in public way or line of navigation**

241. Any person who by doing any act, or omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, is liable to a fine not exceeding ~~fifty pounds~~ *one hundred pounds*.<sup>(a)</sup>

## **Assaults**

### **Common assault**

242. Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for a term not exceeding one year, or to a fine not exceeding ~~fifty pounds~~ *one hundred pounds*, <sup>(b)</sup> or to both.

### **Assaults causing actual bodily harm**

243. Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour and is liable to imprisonment for three years.

### **Assaults punishable with two years imprisonment**

244. Any person who—

- (a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence; or
- (b) assaults, resists, or wilfully obstructs any peace officer in the due execution of his duty, or any person acting in aid of such officer; or
- (c) assaults any person in pursuance of any unlawful combination of conspiracy to raise the rate of wages, or respecting any trade, business or manufacture, or respecting any person concerned or employed therein; or
- (d) assaults, resists, or obstructs any person engaged in any lawful execution of process, or in making a lawful distress with intent to rescue any property lawfully taken under such process or distress; or
- (e) assaults any person on account of any act done by him in the execution of any duty imposed on him by law,

is guilty of a misdemeanour and is liable to imprisonment for two years.

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(b) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

## Offences against Liberty

### Definition of kidnapping from the Colony

245. Any person who conveys any person beyond the limits of the Colony without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from the Colony.

### Definition of kidnapping by a parent or a person exercising joint guardianship (a)

245A.—(1) Any parent or guardian of a child under the age of sixteen years who takes that child from the Areas without the consent of the other parent or guardian kidnaps that child from lawful guardianship within section 248.

(2) Subsection (1) does not apply if the person takes the child from the Areas and—

- (a) that person does it in the belief that the other parent or guardian—
  - (i) has consented; or
  - (ii) would consent if aware of all the relevant circumstances; or
- (b) that person has taken all reasonable steps to communicate with the other parent or guardian but has been unable to do so; or
- (c) the other parent or guardian has unreasonably refused to consent.

### Definition of kidnapping from lawful guardianship

246. Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian or such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

### Definition of abduction

247. Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

### Punishment of kidnapping

248. A person who kidnaps any person from the Colony or from lawful guardianship is guilty of a felony, and is liable to imprisonment for seven years, and is also liable to a fine.

### Kidnapping or abducting in order to *premeditated murder* (b)

249. Any person who kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, is guilty of a felony and is liable for imprisonment for ten years.

### Kidnapping or abducting with intent secretly and wrongfully to confine person

250. Any person who kidnaps or abducts any person, with intent to cause that person to be secretly and wrongfully confined, is guilty of a felony and is liable to imprisonment for seven years.

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(a) Section 245A inserted by Ordinance 12/2009 – came into force on 22 June 2009

(b) Premeditated murder substituted for murder by Ordinance 11/1963 – came into force on 18 April 1963

### **Kidnapping or abducting in order to subject person to grievous hurt, etc**

251. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years, and also to a fine.

### **Wrongfully concealing or keeping in confinement, kidnapped or abducted person**

252. Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

### **Kidnapping or abduction child under fourteen years with intent to steal from its person**

253. Any person who kidnaps or abducts any child under the age of fourteen years, with the intention of taking dishonestly any movable property from the person of such child, is guilty of a felony, and is liable to imprisonment for seven years, and also to a fine.

### **~~Unlawful compulsory labour~~-(a)**

~~254. Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour, and is liable to imprisonment for one year.~~

## **PART 6**

### **OFFENCES RELATING TO PROPERTY**

#### **Stealing**

##### **Definition**

255.—(1) A person steals who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof.

Provided that a person may be guilty of stealing any such thing notwithstanding that he has lawful possession thereof if, being a bailee or part owner thereof, he fraudulently converts the same to his own use or the use of any person other than the owner.

- (2) (a) The expression “takes” included obtaining the possession—
- (i) by any trick;
  - (ii) by intimidation;
  - (iii) under a mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained,
  - (iv) by finding, where at the time of the finding the finder believes that the owner can be discovered by taking reasonable steps;
- (b) the expression “carries away” includes any removal of anything from the place which it occupies, but in the case of a thing attached, only if it has been completely detached.
- (c) the expression “owner” includes any part owner, or person having possession or control of, or a special property in, anything capable of being stolen.

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(a) Section 254 repealed by Ordinance 25/2009 – came into force on 04 November 2009

(3) Everything which has value and is the property of any person, and if adhering to the realty then after severance therefrom, is capable of being stolen.

### **Special cases**

**256.**—(1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be theft.

### **Funds, etc., held under direction**

**257.** When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge, or other disposition of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person for whom the money, security, or power of attorney was received until the direction has been complied with.

### **Fund, etc., received by agents for sale**

**258.** When a person receives, either alone or jointly with another person, any property from another on terms authorising him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property to the person for whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of a debtor and creditor only shall exist between them in respect thereof.

### **Money received for another**

**259.** When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

### **Theft by persons having an interest in the thing stolen**

**260.** When any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he himself has a special property or interest therein, or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein; or that he is lessee of the thing, or that he himself is one of two or more joint owners of the thing; or that he is a director or officer of a corporation or company or society who are the owners of it.

### **Husband and wife**

**261.** A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft, if they were not married, is deemed to have stolen the thing, and may be charged with theft.

### **General punishment for theft**

**262.** Any person who steals anything capable of being stolen is guilty of the felony termed theft, and is liable, unless, owing to the circumstances of the theft or the nature of the thing stolen, some other punishment is provided, to imprisonment for three years.

### **Stealing wills**

**263.** If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment for seven years.

### **Stealing postal matter, etc.**

**264.** If the thing stolen is postal matter or any chattel, money or valuable security, contained in any postal matter, the offender is liable to imprisonment for seven years.

### **Stealing cattle, crops, etc.**

**265.**—(1) If the thing stolen is any of the things following, that is to say, a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat or pig, or the young of any such animal, or any crops or fruit the offender is liable to imprisonment for five years.

(2) The provisions of section 8 of this Code shall not apply in the case of any prosecution under this section for stealing any crops or fruit, the produce of any land or tree registered in the name of another person, unless the person charged proves to the satisfaction of the Court that—

- (a) he has purchased or acquired by partition, exchange, inheritance or in consideration of marriage such land or tree from the registered owner thereof or the heirs of such owner; or
- (b) the crop or fruit although the produce of any land or tree so registered has been lawfully acquired by him.

### **Stealing from the person; stealing goods in transit, etc.**

**266.** If a theft is committed under any of the circumstances following, that is to say—

- (a) if the thing is stolen from the person of another;
- (b) if the thing is stolen in a dwelling house, and its value exceeds five pounds, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in a dwelling house;
- (c) if the thing is stolen from any kind of vessel or vehicle or place or deposit used for the conveyance or custody of goods in transit from one place to another;
- (d) if the thing stolen is attached to or forms part of a railway;
- (e) If the thing is stolen from a vessel which is in distress or wrecked or stranded;
- (f) if the thing is stolen from a public office in which it is deposited or kept;
- (g) if the offender, in order to commit the offence, opens any locked room, box or other receptacle, by means of a key or other instrument,

the offender is liable to imprisonment for five years.

### **Stealing by persons in public service**

**267.** If the offender is a person employed in the public service and the thing stolen is the property of Her Majesty, or came into the possession of the offender by virtue of his employment, he is liable ~~to imprisonment for seven *ten* years.~~ *to imprisonment for a term not exceeding 14 years.* **(b)**

### **Stealing by clerks and servants**

**268.** If the offender is a clerk or servant and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he is liable ~~to imprisonment for seven *ten* years.~~ *to imprisonment for a term not exceeding 14 years.* **(c)**

### **Stealing by directors or officers of companies**

**269.** If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable ~~to imprisonment for seven *ten* years.~~ *to imprisonment for a term not exceeding 14 years.* **(d)**

### **Stealing by agents, etc.**

**270.** If the thing stolen is any of the things following, that is to say—

- (a) property which has been received by the offender with a power of attorney for the disposition thereof;
- (b) the property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;
- (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;
- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;
- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction,

The offender is liable ~~to imprisonment for seven *ten* years.~~ *to imprisonment for a term not exceeding 14 years.* **(e)**

### **Stealing by tenants or lodgers**

**271.** If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds five pounds, he is liable to imprisonment for three years.

### **Stealing after previous conviction**

**272.—**(1) If the offender, before committing the theft, had been convicted of a theft punishable under section 262, he is liable to imprisonment for five years.

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- (a) Penalties in sections 267 to 270 inclusive from seven to ten years by Ordinance 19/2000 – came into force on 21 November 2000
  - (b) Prison term amended by Ordinance 9/2013 – came into force on 01 April 2013
  - (c) Prison term amended by Ordinance 9/2013 – came into force on 01 April 2013
  - (d) Prison term amended by Ordinance 9/2013 – came into force on 01 April 2013
  - (e) Prison term amended by Ordinance 9/2013 – came into force on 01 April 2013



(2) If the offender, before committing a theft under section 265, had been convicted of a theft punishable under that section, he is liable to imprisonment for seven years.

### **Offences allied to Stealing**

#### **Concealing registers**

**273.** Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for seven years.

#### **Concealing wills**

**274.** Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of a felony, and is liable to imprisonment for seven years.

#### **Concealing deeds**

**275.** Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land is guilty of a felony, and is liable to imprisonment for three years.

#### **Killing animals with intent to steal**

**276.** Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of a felony, and is liable to the same punishment as if he had stolen the animal.

#### **Severing with intent to steal**

**277.** Any person who makes anything movable with intent to steal it is guilty of a felony, and is liable to the same punishment as if he had stolen the thing after it had become movable.

#### **Fraudulently dealing with minerals in mines**

**278.** Any person who takes, conceals, or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a felony, and is liable to imprisonment for five years.

#### **Fraudulent appropriation of power and running water**

**279.—(1)** Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating, or electrical power derived from any machine, apparatus, or substance, the property of another person, is guilty of a felony, and is liable to imprisonment for five years.

(2) Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any running water, the property of another person, is guilty of a felony, and is liable to imprisonment for five years.

### **Criminal Trespass**

#### **Entering upon property of another with intent to commit an offence, etc.**

**280.** Any person who enters into or upon property in the possession of another with intent to commit an offence punishable by this Code, or by any Law in force within the Colony, or to intimidate, insult or annoy any person in possession of such property; or having lawfully entered

into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence punishable by this Code or by any Law in force within the Colony, is guilty of a misdemeanour and is liable to imprisonment for two years.

**~~Unauthorised cultivation~~ Unauthorised occupation, cultivation, enjoyment or use (a)**

**281.**—(1) ~~Any person who ploughs, sows or otherwise cultivates~~ (b) *Any person who occupies, cultivates, enjoys or uses in any way—*

- (a) any land registered in the name of any other person;
- (b) any land in respect of which a contract for sale has been deposited in the Land Registry Office under the provisions of the Sale of Land (Specific Performance) Law, by the purchaser thereof,

without the consent of such registered owner or his heirs or purchaser of his heirs, as the case may be, is guilty of a misdemeanour and is liable to imprisonment ~~for six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.~~ (c) *for a term not exceeding 2 years or to a fine not exceeding £5000 or both such penalties.* (d)

(2) The provisions of section 8 of this Code shall not apply in the case of any prosecution under this section unless the person charged proves to the satisfaction of the Court that he has purchased or acquired by partition, exchange, inheritance or in consideration of marriage such land from the registered owner thereof of his heirs.

## **Robbery and Extortion**

### **Definition of robbery**

**282.** Any person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of the felony termed robbery.

### **Punishment of robbery**

**283.** Any person who commits the offence of robbery is liable to imprisonment for fourteen years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

### **Attempted robbery**

**284.** Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of a felony and is liable to imprisonment for seven years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

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(a) Heading substituted by Ordinance 8/1972 – came into force on 05 September 1972  
(b) Subsection (1) amended by Ordinance 8/1972 – came into force on 05 September 1972  
(c) Fine and imprisonment added by Ordinance 8/1972 – came into force on 05 September 1972  
(d) New text inserted by Ordinance 31/2005 – came into force on 29 November 2005

### **Assault with intent to steal**

**285.** Any person who assaults any person with intent to steal anything, is guilty of a felony, and is liable to imprisonment for three years.

### **Entering upon the property of another armed, with intent to steal**

**286.** Any person who enters upon the property of another with intent to steal, being armed with any dangerous or offensive weapon or instrument or in company with one or more person or persons, in circumstances in which it would be reasonably apprehended that in furtherance of that intent, or in order to effect or facilitate his escape, violence to any person would be used is guilty of a felony and is liable to imprisonment for five years.

### **Demanding property by written threats**

**287.** Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for fourteen years.

### **Attempts at extortion by threats**

**288.** Any person who, with intent to extort or gain anything from any person—

- (a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or
- (b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or
- (c) knowing the contents of the writing, causes any person to receive any writing containing such accusation or threat as aforesaid,

is guilty of a felony, and if the accusation or threat of accusation is of—

- (i) an offence for which the punishment of death or imprisonment for life may be inflicted;
- (ii) any of the offences defined in sections 144 to 177 (inclusive) or an attempt to commit any of such offences; or
- (iii) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person; or
- (iv) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any offence aforesaid;

the offender is liable to imprisonment for fourteen years.

In any other case the offender is liable to imprisonment for three years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

### **Procuring execution of deeds, etc., by threats**

**289.** Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

- (a) to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security; or
- (b) to write, impress, or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

is guilty of a felony, and is liable to imprisonment for fourteen years.

### **Demanding property with menaces with intent to steal**

**290.** Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, is guilty of a felony and is liable to imprisonment for five years.

### **Forcing another to damage property (a)**

*290A.—(1) A person (P) commits a felony if, intending to benefit P or another person, P compels, by force or the threat of force, another person (V) to commit an act, or to omit to do something, that causes damage to the property of V or a third person..*

*(2) A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 14 years.*

*(3) A person who attempts to commit an offence under subsection (1) commits a felony and is liable on conviction to imprisonment for a term not exceeding 5 years.*

## **Burglary, Housebreaking and similar Offences**

### **Definitions**

**291.** Any person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar flap, or other thing, intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building.

A person is deemed to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

### **Housebreaking and burglary**

**292.** Any person who—

- (a) breaks and enters any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to commit a felony therein; or
- (b) having entered any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to commit a felony therein, or having committed a felony in any such building, tent or vessel, breaks out thereof,

is guilty of the felony termed housebreaking, and is liable to imprisonment for seven years.

If the offence is committed in the night, it is termed burglary and the offender is liable to imprisonment for ten years.

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(a) Section 290A inserted by Ordinance 9/2013 — came into force on 01 April 2013

### **Entering dwelling house with intent to commit felony**

**293.** Any person who enters or is in any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to commit a felony therein is guilty of a felony, and is liable to imprisonment for five years.

If the offence is committed in the night, the offender is liable to imprisonment for seven years.

### **Breaking into building and committing felony**

**294.** Any person who—

- (a) breaks and enters a schoolhouse, shop, warehouse, store, office, or counting house, or a building which is adjacent to a dwelling house and occupied with it but is not part of it, and commits a felony therein; or
- (b) having committed a felony in a schoolhouse, shop, warehouse, store, office or counting house, or in any such other building as last mentioned, breaks out of the building,

is guilty of a felony, and is liable to imprisonment for seven years.

### **Breaking into building with intent to commit felony**

**295.** Any person who breaks and enters a schoolhouse, shop, warehouse, store, office or counting house, or a building which is adjacent to a dwelling house and occupied with it but is not part of it, with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for five years.

### **Person found armed, etc., with intent to commit felony**

**296.** Any person who is found under any of the circumstances following, that is to say—

- (a) being armed with any dangerous or offensive weapon or instrument with intent to break or enter a dwelling house and to commit a felony therein;
- (b) being armed as aforesaid by night with intent to break or enter any building whatever, and to commit a felony therein;
- (c) having in his possession by night, without lawful excuse, the proof of which lies on him, any instrument of housebreaking;
- (d) having in his possession by day any such instrument with intent to commit a felony;
- (e) having his face masked or blackened or being otherwise disguised, with intent to commit a felony;
- (f) being in any building whatever by night with intent to commit a felony there; or
- (g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his presence,

is guilty of a felony and is liable—

- (i) in the case of conviction under paragraph (a), (b), (c), (e) or (f) to imprisonment for five years;
- (ii) in the case of a conviction under paragraph (d) or (g) to imprisonment for three years.

If the offender has been previously convicted of a felony relating to property, he is liable to imprisonment for seven years.

## False Pretences

### Definition of false pretences

**297.** Any representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence.

### Obtaining goods by false pretences

**298.**—(1) Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a ~~misdemeanour~~ *felony*, and is liable to imprisonment for ~~three~~ *five* years. (a)

(2) *A person who attempts to commit the offence contained in subsection (1), is guilty of a misdemeanour and is liable to imprisonment for 5 years.* (b)

### Obtaining execution of security by false pretences

**299.** Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security, or writ, impress, or affix any name or seal upon or to any paper or parchment in order that it may afterwards be made or converted into or used or dealt with as a valuable security, is guilty of a ~~misdemeanour~~ *felony*, and is liable to imprisonment for ~~three~~ *five* years.

### Cheating

**300.** Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen or induces any other person to deliver to any person money or goods or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a ~~misdemeanour~~ *felony*, and is liable to imprisonment for ~~three~~ *five* years.

### Pyramid promotion schemes (c)

**300A.**—(1) *A person commits an offence if the person in the Areas—*

- (a) *organises, manages, operates or promotes a pyramid promotion scheme (a “scheme”);*
- (b) *incites or attempts to incite another person to participate in a scheme; or*
- (c) *knowingly participates in any way in a scheme.*

(2) *A person convicted of an offence under subsection (1) is liable to a term of imprisonment not exceeding 5 years, to a fine not exceeding €200,000 or to both.*

(3) *For the purposes of determining whether an offence has been committed under subsection (1), it is immaterial whether—*

- (a) *money or other consideration paid into the scheme was payable within or outside the Areas;*
- (b) *compensation from the scheme was received within or outside the Areas; or*

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(a) Sections 298 to 300 and 302 to 303 – the word “misdemeanour” and the number of years repealed and replaced by Ordinance 12/06. Sections 301 and 305 – the number of years repealed and replaced by Ordinance 12/2006 – came into force on 10 August 2006

(b) Subsection (2) inserted by Ordinance 4/2007 – came into force on 09 March 2007

(c) Section 300A inserted by Ordinance 2/2016 – came into force on 1 February 2016

(c) *arrangements or agreements for participation in the scheme were made orally or in writing.*

(4) *An arrangement for the supply of a product is a scheme, if the compensation payable is derived primarily from the introduction of new people.*

(5) *In determining whether compensation is payable primarily from the introduction of new people, account must be taken of the following factors—*

(a) *the emphasis placed during the promotion of the scheme on the supply of a product compared to the introduction of new people;*

(b) *whether the amount paid for the product is reasonable in relation to the product, having regard, in particular, to—*

(i) *the cost of a similar product;*

(ii) *the quality of the product; and*

(iii) *any services supplied in connection with the product.*

(7) *Where, in the course of criminal proceedings—*

(a) *a person accused of an offence under subsection (1) (the “accused”) makes an assertion about an element of the offence, and*

(b) *the assertion is not accepted by the prosecution,*

*there is a presumption that the assertion is untrue, unless the accused proves the assertion is true on a balance of probabilities.*

(8) *An agreement between a person (A) promoting a scheme and another person (B) is void to the extent that it requires the payment of money or other valuable consideration by B in connection with the scheme.*

(9) *In this section—*

(a) *“product” includes services;*

(b) *“pyramid promotion scheme” means an arrangement into which a person pays money or other valuable consideration in return for an opportunity to receive compensation which is derived primarily from the introduction of new people, not the sale of products.*

(10) *For the purpose of subsection (9)(b), it is immaterial whether the scheme actually supplies products or the person actually receives compensation.*

### **Obtaining credit, etc., by false pretences**

**301.** Any person who—

(a) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud; or

(b) with intent to defraud his creditors or any of them makes or causes to be made any gift, delivery, or transfer of or any charge of his property; or

(c) with intent to defraud his creditors, conceals or removes any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him,

is guilty of a misdemeanour and is liable to imprisonment for ~~one year~~ *three years*.

### **Conspiracy to defraud**

**302.** Any person who conspires with another by deceit or any fraudulent means to affect the market price of any thing publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person is guilty of a ~~misdemeanour~~ *felony*, and is liable to imprisonment for ~~three~~ *five* years.

### **Fraud on sale or mortgage of property**

**303.**—(1) Any person who, being a seller or mortgagor of any property, or being the advocate or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud—

- (a) ~~conceals~~ **withholds** (a) from the purchaser or mortgagee any instrument material to the title, or any encumbrance; or
- (b) falsifies any pedigree on which the title depends or may depend; or
- (c) makes any false statement as to the title offered or ~~conceals~~ **withholds** any fact material thereto,

is guilty of a ~~misdemeanour~~ **felony**, and is liable to imprisonment for ~~two~~ **four** years.

(2) *A person is presumed to be withholding a material document for the purposes of subsection (1)(a) or withholding a material fact for the purposes of subsection (1)(c) if he omits to indicate the existence of any instrument material to the title or the ownership status of the property.*

(3) *A person who attempts to commit the offence contained in subsection (1) is guilty of a misdemeanour and is liable to imprisonment for 5 years.* (b)

### **Pretending to exercise witchcraft or tell fortunes**

**304.** Any person who for gain or reward pretends to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found, is guilty of a misdemeanour, and is liable to imprisonment for one year.

### **Obtaining registration, etc. by false pretence**

**305.** Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any Law or regulations by any false pretence, is guilty of a misdemeanour and is liable to imprisonment for ~~one year~~ **three years**.

### **Cheques without Security**

#### ***Issue of cheques without security***-(c)

~~**305A.**—(1) Any person who issues a cheque which on presentation to the Bank on which it was issued, within a reasonable time from the date on which such cheque becomes payable, is not honoured because of the lack of liquid assets held by the Drawer in such Bank, and fails to honour such cheque within fifteen days from the date on which he first has knowledge that the said cheque has been presented and not honoured, shall be guilty of an offence for which he shall be liable, on conviction, to imprisonment for a term not exceeding six months, unless he proves that at the time of issuing the cheques he had reasonable cause to believe that on presentation of such cheque there were liquid assets in the Bank sufficient to honour it.~~

~~(2) Any person who, without reasonable excuse, causes a cheque to be issued by him not to be honoured, shall be guilty of an offence for which he shall be liable, on conviction, to imprisonment for a term not exceeding six months unless he proves that he had reasonable cause to believe that he had a right to cause such cheque to be dishonoured or cancelled.~~

~~(3) This Section shall not apply to any cheque which is not in satisfaction of an obligation for the breach of which the drawer would be liable in civil proceedings.~~

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- (a) The word “conceals” wherever it appears in section 303 to be replaced by “withholds” by Ordinance 4/2007 – came into force on 09 March 2007
  - (b) Subsections (2) and (3 ) inserted by Ordinance 4/2007 – came into force on 09 March 2007
  - (c) Section 305A inserted by 7/1987 then repealed and replaced by Ordinance 2/1997 – came into force on 17 December 1997



### **Issue of cheques without security-(a)**

~~305A.—(1) Any person who issues a cheque which when presented to the Bank on which it is drawn is dishonoured due to lack of funds and which remains unpaid for a period of seven days thereafter, is guilty of an offence.~~

~~(2) The stamp or any other endorsement of the Bank to this effect on any such cheque shall be admissible as evidence of the non-payment thereof in any criminal proceedings.~~

~~(2A) In any case in which it returns a cheque unpaid, the Bank upon which the cheque is drawn shall endorse on the cheque the reason for non-payment of the cheque, and the date that the cheque was presented for payment; and such an endorsement shall be admissible in any court as evidence of the facts so endorsed:~~

~~Provided that compliance by a Bank with its obligations under this section shall not constitute, nor be construed as constituting, a breach of the Bank's duty of confidentiality to its customers with respect to their accounts with the Bank.~~

~~(2B) Where the obligation imposed on a Bank by subsection (2A) is breached, any officer or employee of the Bank who authorised or knowingly permitted or took part in the breach is guilty of a criminal offence and is liable to imprisonment not exceeding three months or to a fine not exceeding one thousand pounds or to both such penalties, unless the breach was caused by a mistake made in good faith.~~

~~(2C) For the purpose of this section the term "Bank" includes any financial institution or organization which is registered either under the Co-operative Societies Ordinance or any other Ordinance and which issues cheque books to its customers or members. (b)~~

~~(3) Any person who without reasonable excuse causes a cheque issued by him to be dishonoured, is guilty of an offence.~~

~~(4) Any person convicted of an offence contrary to subsections (1) or (3) of this section, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand five hundred pounds, or to both.~~

~~(5) This section shall not apply to any cheque which is not issued in satisfaction of any obligation for the breach of which the drawer would not be liable in civil proceedings.~~

### **Issue of cheques without security**

**305A.—(1) A person commits an offence if that person issues a cheque which—**

**(a) is presented at the credit institution on which it is drawn on or after the date on which it is made payable and is dishonoured because—**

**(i) there are insufficient funds in the account of the person issuing the cheque for the cheque to be honoured; or**

**(ii) the account of the person issuing the cheque has been closed; and**

**(b) after the date the cheque is presented it remains unpaid for 15 days or more.**

**(2) A person commits an offence if that person issues a cheque and, without reasonable excuse, causes that cheque to be dishonoured.**

**(3) A reasonable excuse under subsection (2) must be supported by evidence in writing showing why that person gave instructions to the credit institution not to honour the cheque.**

**(4) A person who is guilty of an offence under subsection (1) or (2) is liable to imprisonment for 3 years or a fine of €10,000 or both.**

**(5) A credit institution which refuses to honour a cheque must endorse on the cheque one of the following reasons that the cheque has not been honoured—**

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(a) Section 305A repealed and replaced by Ordinance 12/2009 – came into force on 22 June 2009

(b) Subsections (2A),(2B) and (2C) inserted by Ordinance 7/2003 – came into force on 26 February 2003

- (a) *that there are insufficient funds in the account of the person issuing the cheque for the cheque to be honoured; or*
- (b) *that the account of the person issuing the cheque has been closed; or*
- (c) *that the person who has issued the cheque has instructed the credit institution not to honour the cheque.*

*(6) If a cheque is presented by electronic means and that cheque is not honoured, the credit institution on which the cheque is drawn must inform the credit institution which presented the cheque of the date on which the cheque was presented for payment and one of the following reasons that the cheque has not been honoured—*

- (a) *that there are insufficient funds in the account of the person issuing the cheque for the cheque to be honoured; or*
- (b) *that the account of the person issuing the cheque has been closed; or*
- (c) *that the person who has issued the cheque has instructed the credit institution not to honour the cheque.*

*(7) If a credit institution presents a cheque for payment by electronic means and that cheque is not honoured, the credit institution which presented the cheque must endorse on the cheque the information notified to it under subsection (6).*

*(8) A credit institution is not in breach of any duty of confidentiality to its customers by reason of its compliance with its obligations under this section.*

*(9) Subject to subsection (10), an officer or an employee of a credit institution who breaches subsections (5), (6) or (7) or who authorises or knowingly permits a person to breach any of those subsections commits an offence.*

*(10) A person does not commit an offence under subsection (9) if the breach of subsections (5), (6) or (7) was made as a result of a mistake made in good faith.*

*(11) A person who is guilty of an offence under subsection (9) is liable to imprisonment for 3 months or a fine of €2,000 or both.*

*(12) This section does not apply to a cheque which is issued in satisfaction of any obligation for the breach of which the drawer would not be liable in civil proceedings.*

*(13) In this section “credit institution” means—*

- (a) *a bank within the meaning of the Banking Business Law(i) of the Republic;*
- (b) *a cooperative credit institution within the meaning of the Cooperative Societies Law (a) of the Republic; or*
- (c) *any financial institution or organisation which has been formed under any law and which issues cheque books to its customer.*

## **Receivers**

### **Receiving etc.**

**306.** Any person who receives or retains any property, knowing the same to have been stolen or obtained in any way whatsoever under circumstances which amount to felony or misdemeanour, is guilty of an offence of the like degree (whether felony or misdemeanour) and is liable—

- (a) in the case of felony, to imprisonment for five years;
- (b) in the case of misdemeanour, to imprisonment for two years.

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(a) Law No. 166(I)/1997 (Laws of Cyprus)

### **Receiving property fraudulently obtained (a)**

~~307. Any person who, by himself or by an agent, receives or takes upon himself, either alone or jointly with any other person, the control or disposition of an chattel, money, valuable security or other property whatsoever, knowing the same to have been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour, is guilty of a misdemeanour, and is liable to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.~~

### **Receiving after change of ownership**

308. When a thing has been obtained by means of any act constituting a felony or misdemeanour, or by means of an act done at a place not in the Colony which, if it had been done in the Colony, would have constituted an offence, and which is an offence under the laws in force in the place where it was done, and another person has acquired a lawful title to it, a subsequent receiving of the thing is not an offence, although the receiver knows the thing had previously been so obtained.

### **Unlawful possession of property**

309. Any person who has in his possession any chattel, money, valuable security or other property whatsoever, which is reasonably suspected of being stolen property, is, unless he establishes to the satisfaction of a Court that he acquired the possession of it lawfully, guilty of a misdemeanour and is liable to imprisonment for six months.

## **Frauds by Trustees and Persons in a Position of Trust, and False Accounting**

### **Trustees fraudulently disposing of trust property**

310. Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, is guilty of a felony, and is liable to imprisonment for seven years.

For the purposes of this section the term “trustee” includes the following persons and no others, that is to say—

- (a) trustees upon express trust created by a deed, will, or instrument in writing, whether for a public or private or charitable purpose;
- (b) trustees appointed by or under the authority of a law for any such purpose;
- (c) person upon whom the duties of any such trust as aforesaid devolve;
- (d) executors and administrators.

### **Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts**

311. Any person who—

- (a) being a director or officer of a corporation or company, receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such an entry to be made therein; or
- (b) being a director, officer, or member of a corporation or company, does any of the following acts with intent to defraud, that is to say—

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(a) Section 307 repealed by Section 17 of Ordinance 28/1952

- (i) destroys, alters, mutilates, or falsifies any book, document, valuable security, or account, which belongs to the corporation or company, or any entry in any such book, document or account, or is privy to any such act; or
- (ii) makes or is privy to making any false entry in any such book, document or account; or
- (iii) omits or is privy to omitting any material particular from any such book, document or account,

is guilty of a felony, and is liable to imprisonment for seven years.

**False statements by officials of companies**

**312.** Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say—

- (a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not;
- (b) to induce any person, whether a particular person or not to become a member of or to entrust or advance any property to the corporation or company, or to enter into any security for the benefit thereof,

is guilty of a felony, and is liable to imprisonment for seven years.

**Fraudulent false accounting**

**313.** Any person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant does any of the acts following with intent to defraud, that is to say—

- (a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belongs to or is in the possession of his employer, or has been received by him on account of his employer, or any entry in any such book, document or account, or is privy to any such act; or
- (b) makes, or is privy to making, any false entry in any book, document or account; or
- (c) omits or is privy to omitting any material particular from any such book, document or account,

is guilty of a felony, and is liable to imprisonment for seven years.

**False accounting by public officers**

**314.** Any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of a misdemeanour, and is liable to imprisonment for three years.

*Miscellaneous (a)*

***Lending at excessive interest rates***

**314A.—(1)** *A person who lends or offers to lend money (whether to a borrower in the Areas or elsewhere) at an interest rate that exceeds the reference interest rate at the date of the offer or loan commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years or a fine not exceeding €30,000 or to both.*

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(a) Heading and section 314A inserted by Ordinance 9/2013 – came into force on 01 April 2013

(2) In subsection (1), “reference interest rate” means the rate published from time to time in the Gazette of the Republic for the purposes of section 314A of the Criminal Code of the Republic (a).

(3) Nothing in this section applies to—

- (a) a credit institution;
- (b) a loan, if both parties are companies that are “associated” for the purposes of section 27 of the Income Tax Ordinance 2003 (b);
- (c) a loan to a company, the capital for which is derived from outside the Island of Cyprus, where the amount of the loan exceeds €1 million of which at least €500,000 is advanced;
- (d) a loan to a company outside the Island of Cyprus, where the amount of the loan exceeds €1 million of which at least €500,000 is advanced.

(4) In subsection (3), “credit institution” means—

- (a) a person (including a bank and a co—operative credit institution) whose business consists of accepting deposits from, or granting credit to, the public that is authorised to conduct such business by the competent authorities of the Areas, the Republic or another country or territory;
- (b) an electronic money institution authorised in the Areas or the Republic.

## PART 7

### MALICIOUS INJURIES TO PROPERTY

#### Offences causing injury to property

##### **Arson** (c)

~~315. Any person who wilfully and unlawfully sets fire to—~~

- ~~(a) any building or structure whatever, whether completed or not; or~~
- ~~(b) any vessel, whether completed or not; or~~
- ~~(c) any stack of corn, grain, hay, straw or of cultivated vegetable produce, or of mineral or vegetable fuel; or~~
- ~~(d) a mine, or the workings, fittings or appliances of a mine,~~

~~is guilty of a felony, and is liable to imprisonment for life.~~

##### **Arson**

315. Any person who wilfully and unlawfully sets fire to—

- (a) any motor vehicle, building or structure whatever, whether completed or not; or
- (b) any vessel, whether completed or not; or
- (c) any forest, whether it is privately owned or the property of the Administration, or under the protection, control or management of the Administration; or
- (d) a mine, or the workings, fittings or appliances of a mine, is guilty of a felony, and is liable to imprisonment for fourteen years.

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(a) Cap.154 (Laws of Cyprus (1959ed.) Section 314 was inserted by Law 72(I)/2011 of the Republic  
(b) Ordinance 29/2003  
(c) Section 315 repealed and replaced by Ordinance 7/2003 – came into force on 26 February 2003

### Attempts to commit arson

**316.** Any person who—

- (a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for ~~fourteen~~ **seven (a)** years.

### Setting fire to crops and growing plants

**317.** Any person who wilfully and unlawfully sets fire to—

- (a) a crop of corn, grain or of cultivated vegetable produce, whether standing or cut; or
- (b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing or cut; or
- (c) any standing trees, saplings or shrubs, whether indigenous or not, under cultivation; or
- (d) ~~any forest being the property of or under the protection control or management of the Government,~~  
*(d) any stack of corn, grain, hay, straw or of cultivated vegetable produce or of mineral or vegetable fuel,*

is guilty of a felony, and is liable to imprisonment for ~~fourteen~~ **seven (b)** years.

### Attempting to set fire to crops, etc.

**318.** Any person who—

- (a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for ~~seven~~ **three (c)** years.

### Setting fire to goods in buildings

**319.** Any person who wilfully and unlawfully sets fire to any matter or thing being in, against or under any building, whether such building be set on fire or not, is guilty of a felony and is liable to imprisonment for ~~fourteen~~ **seven (d)** years.

### Attempting to set fire to goods in building

**320.** Any person who attempts unlawfully to set fire to any such matter or thing as is mentioned in the last preceding section is guilty of a felony, and is liable to imprisonment for ~~seven~~ **three (e)** years.

### Casting away ships

**321.** Any person who—

- 
- (a) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003
  - (b) New paragraph (d) and the word “seven” inserted by Ordinance 7/2003 – came into force on 26 February 2003
  - (c) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003
  - (d) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003
  - (e) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003

- (a) wilfully and unlawfully casts away or destroys any vessel, whether complete or not; or
- (b) wilfully or unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or
- (c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal, used for purposes of navigation, or exhibits any false light or signal,

is guilty of a felony, and is liable to imprisonment for ~~life~~ *fourteen years*. (a)

### Attempts to cast away ships

**322.** Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, is guilty of a felony, and is liable to imprisonment for ~~fourteen~~ *seven* (b) years.

### Injuring animals

**323.** A person who wilfully and unlawfully kills, maims or wounds any animal capable of being stolen is guilty of an offence.

If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, goat, pig, ram, ewe, wether, or the young of any such animal, the offender is guilty of a felony, and is liable to imprisonment for ~~seven~~ *five* (c) years.

In any other cases the offender is guilty of a misdemeanour, and is liable to imprisonment for ~~two years~~ *one year* (d).

### Punishment for malicious injuries in general

**324.**—(1) Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated, is a misdemeanour, and he is liable, if no other punishment is provided, to imprisonment for ~~three~~ *two* (e) years, or to a fine not exceeding ~~one hundred pounds~~ *three hundred pounds* (f), or to both.

*(1A) The defence set out in section 8 will only be satisfied in respect of an alleged offence under subsection (1) where the accused satisfies the Court that the action taken in exercising his honest right of claim was reasonable in the circumstances.* (g)

### Special cases

(2) If the property in question is a threshing floor, agricultural machine, well or bore for water, or the dam, bank, wall, or floodgate or a mill—pond or pool, or any standing trees, saplings or shrubs, under cultivation, or any bridge, viaduct, aqueduct or reservoir, the offender is guilty of a felony, and is liable to imprisonment for ~~seven~~ *three* (h) years.

(3) If the property in question is a dwelling house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

- (a) any person is in the dwelling house or vessel; or
- (b) the destruction or damage actually endangers the life of any person,

the offender is guilty of a felony, and is liable to imprisonment for life.

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(a) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003  
 (b) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003  
 (c) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003  
 (d) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003  
 (e) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003  
 (f) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973  
 (g) Subsection (1A) inserted by Ordinance 4/2007 – came into force on 09 March 2007  
 (h) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003

### **Wills and registers**

(4) If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, the offender is guilty of a felony, and is liable to imprisonment for fourteen years.

### **Wrecks**

(5) If the property in question is a vessel in distress or wrecked, or stranded, or anything which belongs to such vessel, the offender is guilty of a felony, and is liable to imprisonment for seven years.

### **Railways**

(6) If the property in question is any part of a railway, or any work connected with a railway, the offender is guilty of a felony, and is liable to imprisonment for fourteen years.

### **Deeds and records**

(7) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land, the offender is guilty of a felony and is liable to imprisonment for seven years.

### **Attempts to destroy property by explosives**

**325.** Any person who, unlawfully and with intent to destroy, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

### **Communicating infectious diseases to animals**

**326.** Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a felony, and is liable to imprisonment for seven years.

### **Removing boundary marks with intent to defraud**

**327.** Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary or any land is guilty of a felony, and is liable to imprisonment for three years.

### **Wilful damage, etc., to survey and boundary marks**

**328.** Any person who—

- (a) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been made or erected by or under the direction of any Government Department or in the course of or for the purposes of a Government survey; or
- (b) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same; or
- (c) wilfully removes, defaces or injures any mark erected by an intending applicant for any lease licence or right under any Law relating to mines or minerals,

is guilty of a misdemeanour, and is liable to imprisonment for three months, and may further be ordered by the Court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.



## **Penalties for damage, etc., to railway works**

**329.** Any person who—

- (a) wilfully damages, injures or obstructs, any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, wagon, truck, material or plant, acquired for or belonging to any railway works; or
- (b) pulls up, removes, defaces or destroys or in any way interferes with, any poles, stakes, flags, pegs, lines, marks, or anything driven or placed in or upon the ground, trees, stones or buildings, or any other material, belonging to any railway works; or
- (c) commits any nuisance or trespass in or upon any land, buildings or premises, acquired for or belonging to any railway works; or
- (d) wilfully molests, hinders or obstructs, the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway,

is guilty of a misdemeanour, and is liable to imprisonment for three months.

## **Threats to burn, etc.**

**330.** Any person who, knowing the contents thereof, sends, delivers, utters, or directly or indirectly causes to be received, any letter or writing threatening to burn or destroy any house, barn or other buildings, or any rick or stack of grain, hay or straw, or other agricultural produce, whether in or under any building or not, or any ship or vessel, or to kill, maim or wound any cattle, is guilty of a felony and is liable to imprisonment for ~~ten~~ **three (a)** years.

## **PART 8**

### **FORGERY, COINING, COUNTERFEITING, SIMILAR OFFENCES AND PERSONATION**

#### **Definitions**

#### **Definition of forgery**

**331.** Forgery is the making of a false document with intent to defraud.

#### **Document**

**332.** The term document in this Part does not include a trade mark or any other sign used in connection with articles of commerce, though they may be written or printed.

#### **Making a false document**

**333.** Any person makes a false document who—

- (a) makes a document purporting to be what in fact it is not;
- (b) alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document;
- (c) introduces into a document without authority whilst it is being drawn up matter which if it had been authorised would have altered the effect of the document;
- (d) signs a document—

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(a) Text deleted and new text inserted by Ordinance 7/2003 – came into force on 26 February 2003

- (i) in the name of any person without his authority whether such name is or is not the same as that of the person signing;
- (ii) in the name of any fictitious person alleged to exist whether the fictitious person is or is not alleged to be of the same name as the person signing;
- (iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person;
- (iv) in the name of a person personated by the person signing the document provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he professes to be.

### **Intent to defraud**

**334.** An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person ascertained or unascertained capable of being defrauded thereby and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent such person from being defrauded in fact; nor by the fact that he had or thought he had a right to the thing to be obtained by the false document.

### **Punishment for Forgery**

#### **General punishment for forgery**

**335.** Any person who forges any document is guilty of an offence which, unless otherwise stated, is a felony and he is liable, unless, owing to the circumstances of the forgery or the nature of the thing forged, some other punishment is provided, to imprisonment for three years.

#### **Imprisonment for ~~life~~ 14 years (a)**

**336.** Any person who forges any will, document of title to land, judicial record, power of attorney, banknote, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker *or a credit card*, **(b)** shall be liable to imprisonment for ~~life~~ 14 years.

#### **Imprisonment for ten years**

**337.** Any person who forges any judicial or official document shall be liable to imprisonment for ten years.

#### **Imprisonment for seven years**

**338.** Any person who—

- (a) forges any stamp, whether impressed or adhesive, use for the purposes of revenue by any Government; or
- (b) without lawful excuse (the proof whereof shall lie upon him) makes or has knowingly in his possession any die or instrument capable of making the impression of any such stamp; or
- (c) fraudulently cuts, tears in any way, or removes from any material any stamp used for purposes of revenue by the Government of the Colony with intent that another use shall be made of such stamp or any part thereof; or
- (d) fraudulently mutilates any such stamp as last aforesaid with intent that another use shall be made of such stamp; or

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(a) Heading amended by Ordinance 2/2005 – came into force on 11 February 2005

(b) new text inserted by Ordinance 2/2005 – came into force on 11 February 2005

- (e) fraudulently fixes or places upon any material or upon any such stamp as last aforesaid any stamp which whether fraudulently or not has been cut, torn, or in any way removed from any other material or out of or from any other stamp; or
- (f) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever written thereon with the intent that another use shall be made of the stamp upon such material; or
- (g) knowingly and without lawful excuse (the proof whereof shall lie upon him) has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise really or apparently removed,

shall be liable to imprisonment for seven years.

***Offences relating to share certificates, passports, etc*** (a)

**338A.**—(1) *A person (P) commits an offence if—*

- (a) *P has in P’s custody or under P’s control a relevant instrument;*
- (b) *P knows or believes that the instrument is false; and*
- (c) *P intends that P or another person shall use the instrument to induce a third person (V) to accept it as genuine and, by reason of so accepting it, to do or not to do some act to V’s or any other person’s prejudice.*

(2) *A person (P) commits an offence if—*

- (a) *P has in P’s custody or under P’s control, without lawful authority or excuse, a relevant instrument; and*
- (b) *P knows or believes that the instrument is false.*

(3) *A person (P) commits an offence if—*

- (a) *P makes or has in P’s custody or under P’s control a machine, implement, paper or other material that P knows is specially designed or adapted to make a relevant instrument;*
- (b) *P intends that P or another person shall use the machine, implement, paper or other material to make a relevant instrument that is false and use the instrument to induce a third person (V) to accept it as genuine and, by reason of so accepting it, to do or not to do some act to V’s or any other person’s prejudice.*

(4) *A person (P) commits an offence if, without lawful authority or excuse, P makes or has in P’s custody or under P’s control a machine, implement, paper or other material that P knows is specially designed or adapted to make a relevant instrument.*

(5) *A person who commits an offence under subsection (1) or (3) is liable on conviction to imprisonment for a term not exceeding 10 years.*

(6) *A person who commits an offence under subsection (2) or (4) is liable on conviction to imprisonment for a term not exceeding 2 years.*

(7) *In this section, “relevant instrument” means—*

- (a) *a share certificate;*
- (b) *a passport or a document that can be used instead of a passport;*
- (c) *a cheque;*
- (d) *a cheque card;*
- (e) *a credit or debit card;*

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(a) Section 338A inserted by Ordinance 9/2013 – came into force on 01 April 2013

- (f) *a certified copy relating to an entry in a register of births, adoptions, marriages or deaths kept under the Adoption Ordinance (a), the Births and Deaths Registration Ordinance 1975 (b) or the Marriage Ordinance (c) or a certificate relating to an entry in such a register.*

(8) *In subsection (7), “share certificate” means an instrument entitling or evidencing the title of a person to a share or interest—*

- (a) *in any public stock, annuity, fund or debt of any government or state (including a state that forms part of another state); or*  
(b) *in any stock, fund or debt of a body (whether corporate or un—incorporate) established in the Areas or elsewhere.*

### **Uttering false documents**

**339.** Any person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind, and is liable to the same punishment as if he had forged the thing in question.

### **Uttering cancelled or exhausted documents**

**340.** Any person who knowingly utters as and for a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

### **Procuring execution of documents by false pretences**

**341.** Any person who, by means of any false and fraudulent representations as to the nature, contents or operation of a document, procures another to sign or execute the document is guilty, of an offence of the same kind and is liable to the same punishment as if he has forged the document.

### **Obliterating crossings on cheques**

**342.** Any person who, with intent to defraud—

- (a) *obliterates, adds to or alters the crossing on a cheque; or*  
(b) *knowingly utters a crossed cheque the crossing on which has been obliterated, added to or altered,*

*is guilty of a felony, and is liable to imprisonment for seven years.*

### **Making documents without authority**

**343.** Any person who, with intent to defraud—

- (a) *without lawful authority or excuse, makes, signs or executes for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or*  
(b) *knowingly utters any document or writing so made, signed or executed, by another person,*

*is guilty of a felony, and is liable to imprisonment for seven years.*

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(a) Cap.274, Laws of Cyprus (1959 ed.)  
(b) Ordinance 8/1975  
(c) Cap. 279, Laws of Cyprus (1959 ed.)

### **Demanding property upon forged testamentary instruments**

**344.** Any person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

### **Purchasing forged banknotes**

**345.** Any person who, without lawful authority or excuse, the proof of which lies on him, purchases or receives for any person, or has in his possession a forged banknote, whether filled up or in blank, knowing it to be forged, is guilty of a felony, and is liable to imprisonment for seven years.

### **Falsifying warrants for money payable under public authority**

**346.** Any person who, being employed in the public service, knowingly and with intent to defraud, makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that which the person on whose behalf the warrant is made out is entitled, is guilty of a felony, and is liable to imprisonment for seven years.

### **Falsification of register**

**347.** Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which, in any material particular, is to his knowledge false, to be made in the register or record, is guilty of a felony, and is liable to imprisonment for seven years.

## **Offences relating to Coin**

### **Definition**

**348.** In sections 348 to 356 (inclusive)–

the term “current” applied to coin means lawfully used as money within the Colony;

the term “counterfeit” means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin; and includes genuine coin prepared or altered so as to pass for a coin of a higher denomination.

### **Counterfeiting coin**

**349.** Any person who makes or begins to make any counterfeit coin is guilty of a felony.

If the offence is committed with respect to current coin, he is liable to imprisonment for life.

If the offence is committed with respect to coin of a foreign Sovereign or State, he is liable to imprisonment for seven years.

### **Preparations for coining**

**350.** Any person who–

- (a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit gold or silver coin; or
- (b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit coin shall be made from it; or

- (c) without lawful authority or excuse (the proof of which lies on him)–
  - (i) buys, sells, receives, pays or disposes of any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing; or
  - (ii) brings or receives into the Colony any counterfeit coin, knowing it to be counterfeit; or
  - (iii) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of, any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, knowing the same to be such a stamp or mould or to be so adapted; or
  - (iv) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of, any tool, instrument or machine, which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended; or
  - (v) makes or mends, or begins or prepares to make or mend, or has in his possession,
  - (vi) or disposes of, any press for coinage, or any tool, instrument or machine which is adapted for cutting round blanks out of gold, silver or other metal, knowing such press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit coin,

is guilty of a felony.

If the offence is committed with respect to current coin, he is liable to imprisonment for life.

If the offence is committed with respect to coin of a foreign Sovereign or State, he is liable to imprisonment for seven years.

### **Clipping**

**351.** Any person who deals with any current gold or silver coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as current gold or silver is guilty of a felony, and is liable to imprisonment for seven years.

### **Possession of clippings**

**352.** Any person who unlawfully has in his possession, or disposes of any filings or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a felony, and is liable to imprisonment for a term not exceeding seven years.

### **Uttering counterfeit coin**

**353.** Any person who utters any counterfeit coin, knowing it to be counterfeit, is guilty of a misdemeanour.

If the offence is committed with respect to current coin, he is liable to imprisonment for two years.

If the offence is committed with respect to coin of a foreign Sovereign or State, he is liable to imprisonment for one year.

### **Repeated uttering**

**354.** Any person who–

- (a) utters any counterfeit current coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit current coin; or

- (b) utters any counterfeit current coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit current coin knowing it to be counterfeit; or
- (c) has in his possession three or more pieces of counterfeit current coin, knowing them to be counterfeit, and with intent to utter any of them,

is guilty of a felony, and is liable to imprisonment for three years.

#### **Uttering foreign coin or metal as current coin**

**355.** Any person who, with intent to defraud, utters as and for current coin—

- (a) any coin which is not current coin; or
- (b) any metal or piece of metal, whether a coin or not which is of less value than the current coin as and for which it is uttered,

is guilty of a misdemeanour, and is liable to imprisonment for one year.

#### **Exporting counterfeit coin**

**356.** Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from the Colony any counterfeit coin whatever, knowing it to be counterfeit, is guilty of a felony and is liable to imprisonment for life.

### **Counterfeit stamps**

#### **Possession of die used for purpose of making stamps**

**357.** Any person who without lawful authority or excuse, the proof of which lies on him—

- (a) makes or mends, or begins or prepares to make or mend or use, or knowingly has in his possession, or disposes of, any die, plate or instrument, capable of making an impression resembling that made by any die, plate or instrument, used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue or of the Posts or Telegraphs Department in the Colony or in any part of Her Majesty's dominions, or in any country under the protection or mandate of Her Majesty, or in any foreign country, or capable of producing in or on paper any words, figures, letters, marks or lines, resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose; or
- (b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid,

is guilty of a felony, and is liable to imprisonment for seven years.

#### **Paper and dies for postage stamps**

**358.** Any person who, without lawful authority or excuse, the proof of which lies on him—

- (a) makes or begins or prepares to make, or uses for any postal purpose, or has in his possession, or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of the Colony, or any part of Her Majesty's dominions, or of any country under the protection or mandate of Her Majesty, or of any foreign country; or
- (b) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession or disposes of, any die, plate, instrument or material, for making such imitation or representation,

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of  ~~fifty pounds~~ *two hundred pounds* (a). And any stamps, and any other such things as aforesaid, which are found in his possession, are forfeited to Her Majesty.

For the purpose of this section a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

### **Possession of plate or instrument used for purpose of making seals**

**359.** Any person who, without lawful authority or excuse, the proof of which lies on him—

- (a) makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his possession or disposes of any plate or instrument, capable of making an impression resembling that made by any plate or instrument used for the purpose of making any seal, whether impressed or adhesive, which is used for the purposes of the public service, or by a mukhtar for the time being of any village, a Municipal authority, a certifying officer, or by any person duly appointed by law to use a seal, or which is capable of producing in or on paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose; or
- (b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid,

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of  ~~fifty pounds~~ *two hundred pounds*.(b)

## **Personation**

### **Personation in general**

**360.** Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of a misdemeanour.

If the representation is that the offender is a person entitled by will or operation of law to any specific property and he commits the offence to obtain such property or possession thereof, he is liable to imprisonment for seven years.

### **Falsely acknowledging deeds, recognisances, etc.**

**361.** Any person who, without lawful authority or excuse (the proof of which lies on him), makes, in the name of any other person, before any Court or person lawfully authorised to take such an acknowledgement, an acknowledgement of liability of any kind, or an acknowledgement of a deed or other instrument, is guilty of a misdemeanour.

### **Personation of a person named in a certificate**

**362.** Any person who utters any document which has been issued by lawful authority, to another person, and whereby that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

(b) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973



### **Lending, etc. certificate for personation**

**363.** Any person who, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right, or privilege, or to enjoy any rank or status, sells, gives or lends the document to another person with intent that that other may represent himself to be the person named therein is guilty of a misdemeanour.

### **Personation of person named in a testimonial of character**

**364.** Any person who, with the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, is guilty of a misdemeanour and is liable to imprisonment for one year.

### **Lending, etc. testimonial for personation**

**365.** Any person who, being a person to whom any such document as is mentioned in the preceding section has been given, gives, sells or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining any employment, is guilty of a misdemeanour.

## **PART 9**

### **ATTEMPTS AND CONSPIRICES TO COMMIT CRIMES**

#### **Attempts**

##### **Attempt defined**

**366.** When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

##### **Attempt to commit offences**

**367.** Any person who attempts to commit a felony or misdemeanour is guilty of an offence which, unless otherwise stated, is a misdemeanour.

##### **Punishment of attempts to commit certain felonies**

**368.** Any person who attempts to commit a felony of such a kind that a person convicted of it is liable to ~~the punishment of death or~~ (a) imprisonment for a term of ten years or upwards, with or without other punishment, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for seven years.

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(a) Text deleted by Ordinance 1/2000 – came into force on 03 March 2000

### **Neglect to prevent felony**

**369.** Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a misdemeanour.

### **Incitement to commit an offence**

**370.** Any person who incites or attempts to induce another person to commit an offence whether such other person consents to commit the offence or not is guilty—

- (a) of a felony, if the offence in question is a felony, and such person is liable, if no other punishment is provided, to imprisonment for seven years or if the greatest punishment to which a person convicted of such felony is liable is less than imprisonment for seven years, then to such lesser punishment;
- (b) of a misdemeanour if the offence in question is a misdemeanour and such person is liable, if no other punishment is provided, to imprisonment for two years or if the greatest punishment to which a person convicted of such misdemeanour is liable is less than imprisonment for two years, then to such lesser punishment.

## **Conspiracies**

### **Conspiracy to commit felony**

**371.** Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in the Colony would be a felony, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a felony, and is liable if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

### **Conspiracy to commit misdemeanour**

**372.** Any person who conspires with another to commit a misdemeanour, or to do any act in any part of the world which if done in the Colony would be a misdemeanour, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a misdemeanour.

### **Other conspiracies**

**373.** Any person who conspires with another to effect any of the purposes following, that is to say:—

- (a) to prevent or defeat the execution or enforcement of any law, statute or order in council; or
- (b) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person; or
- (c) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value; or
- (d) to injure any person in his trade or profession; or
- (e) to prevent or obstruct, by means of any act or acts which if done by any individual person would constitute an offence on his part, the free and lawful exercise by any person to his trade, profession or occupation; or
- (f) to effect any lawful purpose by any unlawful means,

is guilty of a misdemeanour.

**PART 10**  
**MINOR OFFENCES**

**Various offences**

**374.** Any person who wilfully—

- (a) obstructs free passage on any public thoroughfare or public place by placing thereon any materials or other things;
- (b) places or leaves on any public thoroughfare or public place any sweepings or refuse causing or calculated to cause offensive smells;
- (c) fails to place a lantern or light at night upon any heap of earth, stones or other materials, or channel or drain or other excavation in the exercise of any repairs lawfully made upon a public thoroughfare or public place;
- (d) throws any refuse or other things upon a public thoroughfare or public place in such a manner as to cause injury or annoyance to any passers—by;
- (e) neglects or fails to repair or pull down any building or structure of any kind which is in a ruinous or dangerous state when ordered in writing so to do by the Commissioner of the District;
- (f) neglects or fails to clean or repair any furnace or chimney of any workshop or factory where fire is used;
- (g) lets off any fireworks in any public thoroughfare or public place in a manner calculated to cause injury or annoyance to any person;
- (h) discharges any firearm within the limits of any town, village or other inhabited place;
- (i) refuses to take coin or notes current in the Colony at their face value,

is guilty of a misdemeanour and is liable to a fine not exceeding ~~five pounds~~ *fifty pounds (a)*.

**APPENDIX A**

(Section 187 (4)).

SBA Police Headquarters  
..... 19 .....

Mr., Mrs., Miss .....

**Notice under Section 187  
of the Criminal Code.**

Notwithstanding a verbal warning having been given to you, the use of loudspeakers/amplifiers of sound at ..... Str. No ..... is continuing, in the absence of the required permit/or in contravention of the conditions of your permit, you are therefore notified that, if such contravention does not cease in fifteen minutes from the time when this notice has been served or attempted to be served upon you, the above loudspeakers and/or amplifiers shall be seized with the purpose of being produced before the Court as evidence in a criminal case which shall be brought against you.

Note: This notice was served to the above mentioned

on ..... 19 ..... at ..... hrs.

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(a) Fine amended by Ordinance 1/1973 – came into force on 10 January 1973

Signature. ....

Rank.....

for Chief Police Officer.

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**(i)** Law No. 166(I)/1997, Republic of Cyprus