

**ORDINANCE 2 OF 2005**

**AN ORDINANCE  
TO AMEND THE CRIMINAL CODE**

**P. T. C. Pearson CBE  
ADMINISTRATOR**

*11th February 2005.*

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

**1.** This Ordinance may be cited as the Criminal Code (Amendment) Ordinance 2005 and shall be read as one with the Criminal Code (“the principal Ordinance”).

Short title.  
Cap. 154 (Laws of Cyprus) as amended by Ordinances 11/63, 17/63, 10/66, 8/72, 1/73, 7/79, 8/82, 7/87, 24/89, 2/97, 1/2000, 19/00, 15/01, 7/03.

**2.** Section 4 of the principal Ordinance is amended by inserting immediately before the definition of “Court” the following new definition—

Amendment to section 4 of the principal Ordinance.

“ “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;”.

**3.** The principal Ordinance is amended by inserting immediately after section 147 the following new section to be numbered 147A —

Amendment of principal Ordinance by adding new section.

“Incest by a woman.

**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.”

Repeal of sections 194 to 202 of the principal Ordinance.

4. Sections 194 to 202 of the principal Ordinance are repealed.

Amendment of principal Ordinance by adding new sections.

5. The principal Ordinance is amended by inserting immediately after section 233 the following new sections to be numbered 233A and 233B—

“Offence of female genital mutilation.

**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.

**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 –

Ordinance 10 of 1964.

Offence of assisting a non-resident of the Areas to mutilate overseas a female’s genitals.

- (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.”.

**6. Section 336 of the principal Ordinance is amended as follows —**

- (a) by inserting after the word “banker” the words “ or a credit card”;
- (b) by substituting for the word “life” the words “14 years”.

Amendment to section 336 of the principal Ordinance.

*11th February 2005*  
(128/133)

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J. E. Stainton,  
Acting Chief Officer.

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