



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1684 of 22nd March 2013
LEGISLATION

CONTENTS:

The following LEGISLATION is published in this Supplement which forms part of this Gazette : –

	Ordinance No.
Criminal Code (Amendment) Ordinance 2013	9

CRIMINAL CODE (AMENDMENT) ORDINANCE 2013

CONTENTS

1. Short title
2. Commencement
3. Criminal Code amended
4. New section 91A inserted
5. Section 100 amended (official corruption)
6. Section 106 amended (prosecutions by Attorney-General)
7. New sections 127 to 129 substituted
8. New section 129A inserted
9. Section 267 amended (stealing by persons in public service)
10. Section 268 amended (stealing by clerks and servants)
11. Section 269 amended (stealing by directors or officers of companies)
12. Section 270 amended (stealing by agents, etc)
13. New section 290A inserted
14. New cross-heading and new section 314A inserted
15. New section 338A inserted

CRIMINAL CODE (AMENDMENT) ORDINANCE 2013

An Ordinance to amend the Criminal Code

R. J. CRIPWELL
ADMINISTRATOR

12th March 2013.

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

1. Short title

This Ordinance may be cited as the Criminal Code (Amendment) Ordinance 2013.

2. Commencement

This Ordinance comes into force on 1 April 2013.

3. Criminal Code amended

The Criminal Code(a) is amended in accordance with sections 4 to 15.

4. New section 91A inserted

The following section is inserted after section 91—

“91A. Threats causing fear or anxiety

- (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.”

5. Section 100 amended (official corruption)

Section 100 is amended by omitting “to imprisonment for five years or to a fine not exceeding ten thousand pounds” and substituting “to imprisonment for a term not exceeding 7 years or a fine not exceeding €100,000”.

6. Section 106 amended (prosecutions by Attorney-General)

Section 106 is amended by omitting “any of the last three preceding sections” and substituting “section 103, 104 or 105”.

7. New sections 127 to 129 substituted

Sections 127 to 129 are repealed and the following sections substituted—

“127. Rescue from lawful custody

- (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.

128. Escape from lawful custody

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.

129. Aiding escape from lawful custody

- (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.”

8. New section 129A inserted

The following section is inserted after section 129—

“129A. Conveying mobile telephone into police station or prison

- (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.”

9. Section 267 amended (stealing by persons in public service)

Section 267 is amended by omitting “to imprisonment for ten years” and substituting “to imprisonment for a term not exceeding 14 years”.

10. Section 268 amended (stealing by clerks and servants)

Section 268 is amended by omitting “to imprisonment for ten years” and substituting “to imprisonment for a term not exceeding 14 years”.

11. Section 269 amended (stealing by directors or officers of companies)

Section 269 is amended by omitting “to imprisonment for ten years” and substituting “to imprisonment for a term not exceeding 14 years”.

12. Section 270 amended (stealing by agents, etc)

Section 270 is amended by omitting “to imprisonment for ten years” and substituting “to imprisonment for a term not exceeding 14 years”.

13. New section 290A inserted

The following section is inserted after section 290—

“290A. Forcing another to damage property

- (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.”

14. New cross-heading and new section 314A inserted

The following cross-heading and section are inserted after section 314—

“Miscellaneous

314A. Lending at excessive interest rates

- (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.
- (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**(b)**.
- (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**(c)**;
 - (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.”

15. New section 338A inserted

The following section is inserted after section 338—

“338A. Offences relating to share certificates, passports, etc

- (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;
 - (f) a certified copy relating to an entry in a register of births, adoptions, marriages or deaths kept under the Adoption Ordinance(d), the Births and Deaths Registration Ordinance 1975(e) or the Marriage Ordinance(f) 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 unincorporate) established in the Areas or elsewhere.”

Notes

- (a) Cap. 154, Laws of Cyprus (1959 ed.). Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369 (UK)). Schedule 2 to the Interpretation Ordinance 2012 makes provision for the interpretation of such legislation.
- (b) Cap. 154, Laws of Cyprus (1959 ed.). Section 314 was inserted by Law 72(I)/2011 of the Republic.
- (c) Ordinance 29/03.
- (d) Cap. 274, Laws of Cyprus (1959 ed.).
- (e) Ordinance 8/75.
- (f) Cap. 279, Laws of Cyprus (1959 ed.).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Criminal Code (Amendment) Ordinance 2013 (the “Ordinance”). It has been prepared by the Office of the Attorney-General and Legal Adviser in order to assist the reader of the Ordinance and should be read in conjunction with it.
2. The Ordinance amends the Criminal Code (the “principal Ordinance”). Most of the amendments are made in consequence of amendments made to the Criminal Code of the Republic by Laws 56(I)/2011, 72(I)/2011, 163(I)/2011, 84(I)/2012, 95(I)/2012 and 134(I)/2012.
3. New offences are created by the following new sections of the principal Ordinance:
 - section 91A (threats causing fear or anxiety);
 - section 129A (conveying mobile telephone into police station or prison);
 - section 290A (forcing another to damage property);
 - section 314A (lending at excessive interest rates);
 - section 338A (offences relating to share certificates, passports, etc).
4. The offences in new section 338A are based on those in section 5 of the Forgery and Counterfeiting Act 1981 (UK).
5. Section 127 (rescue from lawful custody) of the principal Ordinance is repealed and substituted. The new offence may be committed by a person who rescues, or attempts to rescue, a person from lawful custody not only by the use of force but also by the threat of force or without force.
6. Section 128 (escape from lawful custody) of the principal Ordinance is repealed and substituted. The new offence expressly provides that it may be committed by a person attempting to escape from lawful custody.
7. Section 129 (aiding prisoners to escape) of the principal Ordinance is repealed and substituted. The new offence may be committed by a person who brings, etc into a prison or a police station anything that may be used to facilitate the escape of a person held in lawful custody, without the need to prove intent to facilitate the escape.
8. There are increased penalties for the existing offences in the following sections of the principal Ordinance:
 - section 100 (official corruption);
 - section 267 (stealing by persons in public service);
 - section 268 (stealing by clerks and servants);
 - section 269 (stealing by directors or officers of companies);
 - section 270 (stealing by agents, etc).
9. The amendment to section 106 of the principal Ordinance makes a minor change that should have been made when section 105A of the principal Ordinance was inserted by the Criminal Code (Amendment) Ordinance 2003 (Ordinance 7/03).

(SBA/AG/2/CR/133)