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**CRIMINAL CODE (AMENDMENT) ORDINANCE  
2016**

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An Ordinance to amend the Criminal Code

**M. Wigston**  
**ADMINISTRATOR**

*27 January 2016*

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

**Short title and commencement**

1. This Ordinance may be cited as the Criminal Code (Amendment) Ordinance 2016 and comes into force on 1 February 2016.

**Amendment to Criminal Code**

2. The Criminal Code<sup>(a)</sup> is amended in accordance with sections 3 to 5.

**Amendment to section 63 (definition of unlawful association)**

3.—(1) Section 63 is amended as follows.

(2) Omit paragraph (b).

(3) Renumber paragraph (c) as paragraph (b).

(4) In the renumbered paragraph (b), for “paragraphs (a) and (b) of this section” substitute “paragraph (a)”.

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(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.

(5) After the renumbered paragraph (b) insert—

“(c) any branch, centre or committee of any of a body of persons prescribed in paragraphs (a) and (b);”.

(6) Omit the words after paragraph (d) starting with “Every such Order” until the end of the section.

#### **Insertion of section 99A**

4. After section 99 insert—

##### **“Incitement to violence, etc on grounds of sexual orientation or gender**

**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.

(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.”

#### **Insertion of section 300A**

5. After section 300 insert—

##### **“Pyramid promotion schemes**

**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
- (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.”

**EXPLANATORY NOTE)**

*(This note is not part of the Ordinance)*

1. This explanatory note relates to the Criminal Code (Amendment) Ordinance 2016 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The Ordinance amends the Criminal Code reflecting amendments made to the Criminal Code of the Republic of Cyprus by Laws 87(I)/2015, 91(I)/2015 and 113(I)/2015.
3. The amendments insert new offences relating to incitement to violence or hate on grounds of sexual orientation or gender, and pyramid promotion schemes. It also amends the definition of an unlawful association.