

*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>
Violence in the Family Ordinance 2003	21/2003	11/06/2003
Violence in the Family (Amendment) Ordinance 2006	21/2006	08/12/2006
Criminal Procedure Ordinance 2016	9/2016	01/05/2016

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## VIOLENCE IN THE FAMILY ORDINANCE 2003

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An Ordinance to Provide Penalties for Crimes of Violence in the Family and to Provide for the Protection of Victims of Such Violence

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

### PART 1

#### Short title

1. This Ordinance may be cited as the Violence in the Family Ordinance 2003.

#### Interpretation

2. In this Ordinance, unless the context otherwise requires—

“act of violence” has the meaning given by section 3;

“Advisory Committee” means the Advisory Committee established under the corresponding Republican Law;

“competent person” ~~for the purposes of section 10~~ (a) means any police officer, family counsellor or welfare officer;

“corresponding Republican Law” means Republican Law No. 119(I)/2000 for the Prevention of Violence In the Family and the Protection of Victims, and includes any Law amending or substituting that Law, and any subsidiary legislation made under any of those Laws;

“Court” means the Judge’s Court of the Areas;

“exclusion order” means an order of the Court made under section 23;

“family counsellor” means a person appointed under section 6;

“family member” means –

- (a) a man who is or was married to a woman or who is or was cohabiting with a woman as her husband;
- (b) a woman who is or was married to a man or who is or was cohabiting with a man as his wife;
- (c) a parent of—
  - (i) a man such as is referred to in paragraph (a) above, or
  - (ii) a woman such as is referred to in paragraph (b) above;
- (d) a child (including an adopted child) or a grand-child of—
  - (i) a man such as is referred to in paragraph (a) above, or
  - (ii) a woman such as is referred to in paragraph (b) above;

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(a) Text deleted by Ordinance 21/2006 – came into force on 08 December 2006

(e) a ~~minor~~ person (a) who resides with any person falling within paragraph (a), (b), (c) or (d) above, and cognate expressions shall be construed accordingly;

“family residence” means the place where the victim of an act of violence has his usual residence;

“medical practitioner” means a practitioner entitled to practise medicine in accordance with section 3 or 4 of the Medical Practitioners Ordinance 1964; (b)

“minor” means a person who is under the age of eighteen years;

“multi-disciplines team” means a multi-disciplines team appointed by the Advisory Committee in accordance with the provisions of the corresponding Republican Law;

“Police” means the Sovereign Base Areas Police Force and “police officer” shall be construed accordingly;

“psychiatrist” means a practitioner within the meaning of section 2 of the Medical Practitioners Ordinance 1964 who has a qualification to practise psychiatry recognised under Republican legislation;

“psychologist” means a person registered under the legislation of the Republic relating to the registration of professional psychologists;

“visual recording” means a recording by means of a video recorder, camera or other visual recording apparatus of motion pictures or objects, data, organisms or persons whether or not they move or speak, and which may be reproduced and presented by any technical means for viewing.

## PART 2

### Acts of Violence, Aggravated Offences and Rape by Husband

#### Meaning of act of violence and field of application

3.—(1) For the purposes of this Ordinance an “act of violence” means any ~~unlawful~~ (c) act, conduct or omission by one family member which causes harm including sexual or mental harm to another family member and includes any act of violence carried out with intent to make sexual contact without the consent of the other family member and also includes the interference with, or the restraint of, the personal freedom of a family member without that person’s consent, by another family member.

(2) Without prejudice to the above definition, any offence referred to in section 5 of, or in the Schedule to, this Ordinance, or in section 147 of the Criminal Code (incest) (d), shall be deemed to be an act of violence for the purposes of this Ordinance.

(3) For the purposes of this Ordinance, any act of violence within the meaning of subsection (1) or (2) above, or any offence under section 174 (sexual intercourse with male under thirteen years of age), 175 (bestiality) or 177 (indecent exhibitions) of the Criminal Code, committed by a family member in the presence of another family member who is a minor, shall be deemed to be an act of violence against that minor if that act is capable of causing the minor mental harm.

(4) Without prejudice to any other power the Court may have under this or any other Ordinance to impose a lesser or more severe penalty, any person found guilty of an act of violence within the meaning of subsection (1), (2) or (3) above, shall be liable to imprisonment for a term of five years or to a fine of three thousand pounds or to both such penalties.

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(a) Text deleted and new text inserted by Ordinance 21/2006 – came into force on 08 December 2006

(b) Definition inserted by Ordinance 21/2006 – came into force on 08 December 2006

(c) Text deleted by Ordinance 21/2006 – came into force on 08 December 2006

(d) CAP.154 (Laws of Cyprus) as amended

### Increased penalties for aggravated violence

4. Notwithstanding the provisions of the Criminal Code, any offence set out in the First Column of the Schedule shall, if committed by one family member against another, be regarded by the Court as an aggravated offence and instead of the term of imprisonment provided by the Criminal Code for the punishment of such an offence, the Court may impose the increased term of imprisonment laid down in the Second Column of the Schedule in relation to that offence.

### Rape by husband against wife

5. Notwithstanding the provisions of any other Ordinance, the offence of rape under section 144 of the Criminal Code or of attempted rape under section 146 of the Criminal Code may be committed by a husband against his wife if, on the facts of the case such offence would have been committed had the husband and wife not been married to each other, and shall be punishable in accordance with the appropriate provisions of the Criminal Code.

## PART 3

### Family Counsellors, Advisory Committees and Multi-Discipline Teams

#### Appointment of family Counsellors

6.—(1) For the purposes of this Ordinance, the Chief Officer shall appoint suitably qualified or experienced persons to act as family counsellors.

*(1A) The Chief Officer shall appoint suitably qualified persons employed by SSAFA Forces Help or any other authorised service organisation designed to promote the welfare of relevant persons, to act as family counsellors in any case where the alleged offender and victim are relevant persons.*~~(a)~~

(2) A family counsellor appointed under subsection (1) above shall have the following functions, powers and duties:

- (a) to receive complaints regarding alleged offences of violence under this Ordinance and to carry out the necessary investigations relating thereto;
- (b) to give advice and guidance on and to mediate in family problems which may, or are likely to lead to the commission of offences under this Ordinance;
- (c) ~~to arrange where necessary for the immediate medical examination of the complainant;~~  
*(c) to arrange where necessary for the immediate medical examination of the complainant and where necessary, to be present during such examination;* ~~(b)~~
- (d) to report the said information or complaint to the Police for investigation of a possible offence under this Ordinance;
- (e) to investigate, following an Order of the Court, the financial circumstances of the family generally and of the alleged offender in particular, in cases where an exclusion order may be made;
- (f) to investigate and make arrangements regarding the future accommodation of any person against whom an exclusion order has been made following a referral by the Court under section 24(1)(a);
- (g) to take such immediate steps as are necessary to arrange for a medical or other examination of any minor against whom there is reasonable suspicion that an offence under this Ordinance has been committed by a family member ~~or by any other person;~~ ~~(c)~~

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(a) Subsection (1A) inserted by Ordinance 21/2006 – came into force on 08 December 2006

(b) Subsection (2)(c) repealed and replaced by Ordinance 21/2006 – came into force on 08 December 2006

(c) Text deleted by Ordinance 21/2006 – came into force on 08 December 2006

(h) to perform any other function or power or duty as may be assigned or given to him by the Chief Officer.

(3) A family counsellor may require any officer of the Administration or any competent person to assist him in the performance of any of his functions, powers or duties.

(4) In the performance of his duties under subsection (2)(a) above a family counsellor shall have the same powers as an investigating officer has under ~~section 5(1) of the Criminal Procedure Ordinance (a)~~ *section 12(1) of the Criminal Procedure Ordinance 2016 (statements).*(b)

(5) Where information of a complaint is received regarding the commission of an offence under this Ordinance against a minor, the family counsellor may, if he deems it expedient having regard to the gravity of the information, complaint or charge, request the opinion and advice of the Multi-Disciplines Team and inform the Chief Officer accordingly.

(6) A family counsellor shall perform his duties under subsection (2)(g) above, with the consent of the person having the parental care of the minor in question and shall thereafter refer the matter to the Police. Such consent shall not be required where, in the opinion of the family counsellor, there is a reasonable suspicion that the offence against the said minor has been committed by the person who has the parental care of the minor *or another member of the family*, (c) provided that the Attorney General and Legal Adviser is informed in writing before the medical examination of the minor takes place or, if this is not possible, immediately thereafter and in any event not later than three days after such medical examination has taken place.

(7) Where there are grounds for the exercise by a family counsellor of his powers under subsection (2)(g) above, the Chief Officer may exercise the powers given by section 4 and other relevant sections of the Children Ordinance (d).

(8) Where the family counsellor is unable or refuses to exercise the powers referred to in subsection (4) above, or where the Chief Officer deems it expedient having regard to the gravity of the case, the Chief Officer may himself act and exercise such powers or authorise another officer to exercise them.

(9) *For the purposes of this section, 'relevant person' means a person who—*

(a) *is not a Republican citizen; and*

(b) *is a member of any Force of the United Kingdom, or any member of a civilian component of such a Force or any dependent of any member of such a Force or civilian component as those terms are defined by paragraph 1(a)(i), (b) and (d) respectively of Section 1 of Annex C to the Treaty of Establishment.* (e)

## **Recognition of Advisory Committee**

7.—(1) The Advisory Committee shall be recognised in the Areas as if this Ordinance provided for its establishment.

(2) The powers of the Advisory Committee may be exercised to the like extent and in like manner as if the Advisory Committee had been authorised to exercise its powers by an order of the Administrator made under section 3 of the Powers and Duties (Officers of the Republic of Cyprus) Ordinance 2002 (f) and without prejudice to the generality of the foregoing, that Ordinance shall apply in relation to the Advisory Committee as it applies in relation to an officer of the Republic who has been authorised to exercise powers by such an order.

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(a) CAP. 155 (Laws of Cyprus) as amended

(b) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016

(c) Text inserted by Ordinance 21/2006 – came into force on 08 December 2006

(d) CAP.352 (Laws of Cyprus) as amended

(e) Subsection (9) inserted by Ordinance 21/2006 – came into force on 08 December 2006

(f) Ordinance 12/2002 as amended by P.I. No. 94/2002 and 20/2003

## **Multi-disciplines team**

8. A multi-disciplines team may perform in the Areas the same functions as it is required or empowered to perform in the Republic under the corresponding Republican Law.

## **PART 4**

### **Evidence and Witnesses and Victims**

#### **~~Complaint's statements to be taken by police officer of the same sex (a)~~**

~~9. Where a complaint of an offence under this Ordinance is made at a police station, the statement of the victim of that offence shall be taken by a police officer of the same sex as the victim.~~

#### ***Taking of complainant's statement***

*9. Where a complaint of an offence under this Ordinance is made at a police station, the statement of the victim of that offence shall be taken by a police officer of the same sex as the victim unless the victim otherwise requests, or, where the victim is a minor, the family counsellor otherwise requests.*

#### **Visually recorded evidence**

10.—(1) Subject to subsection (2) below, during the trial of a person for an act of violence under the provisions of this or any other Ordinance, visually recorded evidence given to a competent person by any person who is a victim of, or a witness to, that act of violence, may be adduced in evidence with the leave of the Court.

(2) The following conditions and restrictions shall apply to the granting of leave to adduce visually recorded evidence -

- (a) the contents of the visual recording shall relate only to the charge that is before the Court;
  - (b) leave shall not be granted to adduce visually recorded evidence where—
    - (i) the person whose evidence has been visually recorded cannot appear before the Court to be cross-examined unless such cross-examination is not required;
    - (ii) the rules for such recording described in section 11 below have not been observed;
    - (iii) the Court, having regard to all the circumstances, is of the view that it is not in the interests of justice for such evidence to be adduced;
  - (c) there is produced, together with the visually recorded evidence, a typed transcript of all spoken words recorded on the sound track of the visual recording.
- (3) Any statement in any visually recorded evidence admitted in evidence under this section shall be deemed to be direct oral evidence of the person making the statement and accordingly –
- (a) such statement shall be admitted as evidence of any fact which would have been admitted if it were given under direct oral evidence, and
  - (b) no such statement may be given as corroboration of the evidence of the same witness.

(4) The application of the provisions of subsection (1) above shall not exclude the power of the Court to refuse to admit any otherwise admissible evidence in the interests of justice.

#### **Rules for the taking of visually recorded evidence**

11. Any visually recorded evidence shall be taken in accordance with the following rules—

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(a) Section 9 repealed and replaced by Ordinance 21/2006 – came into force on 08 December 2006

- (a) the name, address, occupation and capacity of the person taking the evidence, as well as of the person using the video recorder, camera or other apparatus shall be referred to or recorded before the commencement of the recording of the evidence;
- (b) the place, date and time the recording of the evidence commenced and the time it was concluded shall be stated;
- (c) the name, address, occupation and other particulars of the person giving the evidence shall be stated;
- (d) there shall be made a statement in writing by the person taking the evidence that the evidence is to be recorded visually and may be produced in evidence in Court, and except in the case of a minor, a statement shall be made and signed by the person giving the evidence that he consents to such visual recording. Where the person giving evidence is a minor, such consent shall be given by the person accompanying the minor, that is to say a parent or guardian, welfare officer or family counsellor;
- (e) ~~a copy of the visually recorded evidence shall be given to the person who gives the evidence or, if he is a minor, to the person accompanying the minor who gave the consent required under paragraph (d) above.~~(a)

### **Power of Court not to admit part of visually recorded evidence**

**12.**—(1) The Court, on the hearing of an application for the admission of visually recorded evidence may, if the interests of justice so require, direct that certain parts of such evidence shall not be adduced. In exercising its discretionary power in this respect, the Court shall take into account the possible prejudice to the accused and whether the prejudicial effect of the evidence may outweigh its probative value. The Court shall, in addition, take into account any pressures which may have been put on the witness whose evidence has been visually recorded, not to attend Court to give evidence.

(2) The Court, in the exercise of its powers referred to in section 10(4), may order that parts of the visually recorded evidence or the typed transcript of the sound track shall be omitted if it considers that such parts are not admissible or if it otherwise considers it expedient to do so.

### **Examination of person who has given visually recorded evidence**

**13.** Where any visually recorded evidence is taken under section 10, the person whose evidence has been visually recorded shall be called as a witness by the party which required such evidence to be adduced and subject to the provisions of section 19 he shall be made available for cross-examination. Except with the leave of the Court, there shall be no examination-in-chief of such a witness concerning his evidence that has been visually recorded:

Provided that where such a witness is called for the purpose of cross-examination the provisions of ~~section 55 of the Criminal Procedure Ordinance~~ *section 90 of the Criminal Procedure Ordinance 2016 (evidence of witness to be on oath or affirmation)*(b) (c) shall apply.

### **~~Direct complaint admissible as evidence~~(d)**

**14.** ~~Without prejudice to the provisions of section 10 of the Evidence Ordinance (e), any statement by a competent person or by a psychologist, medical practitioner or psychiatrist who examined the victim or by a member of the Advisory Committee or of the Association for the Prevention and Combating of Violence in the Family, or by a close family member, that a complaint was made to him by a victim of an act of violence within a reasonable time of the commission of the act of violence, may be admitted as evidence.~~

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(a) Paragraph (e) repealed by Ordinance 21/2006 – came into force on 08 December 2006  
 (b) Ordinance 9/2016  
 (c) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016  
 (d) Section 14 repealed and replaced by Ordinance 21/2006 – came into force on 08 December 2006  
 (e) CAP. 9 (Laws of Cyprus) as amended



### ***Direct complaint admissible as evidence***

**14.**—(1) *Without prejudice to the provisions of section 10 of the Evidence Ordinance, a statement by any of the persons listed in subsection (2) below that a complaint was made to him by a victim of an act of violence within a reasonable time of the commission of the act of violence may be admitted in evidence.*

(2) *The persons referred to in subsection (1) are—*

- (a) *a competent person;*
- (b) *a psychologist, medical practitioner or psychiatrist who examined the victim;*
- (c) *a member of the Advisory Committee;*
- (d) *a member of the Association for the Prevention and Combating of Violence in the Family;*
- (e) *a teacher, or*
- (f) *a close family member.*

## **PART 5**

### **Trial and evidence**

#### **Warrant, arrest, remand and speedy trial**

**15.**—(1) Upon an application made by a police officer, the Court may issue a warrant for the arrest of any person accused of any act of violence.

(2) Any person arrested under a warrant issued under subsection (1) above, shall be brought before the Court within twenty-four hours of his arrest for the purpose of being charged or for a remand order to be made under ~~section 24 of the Criminal Procedure Ordinance~~ *section 30 of the Criminal Procedure Ordinance 2016 (power to remand in police custody, etc.)* (a)

(3) Any investigations into an alleged act of violence shall be carried out and the case brought to trial as speedily as possible and, until the date of trial, the Court may order the detention of the accused or may release him on production of satisfactory security that he will appear before the Court on the date of the hearing and that he will observe any conditions that the Court may deem necessary to impose for the purpose of protecting other family members, including a condition that he shall not visit or harass any members of his family.

#### **Corroboration not essential**

**16.** The Court may convict on the sole evidence of the victim when it is not possible to adduce corroborative evidence thereof.

#### **Evidence of psychiatrist or psychologist**

**17.**—(1) If, during an examination of a minor by a psychiatrist or psychologist or *medical practitioner* (b) for the purpose of assessment or psychotherapy, mention is made by the minor that he has been ill-treated by any person, evidence of this by the psychiatrist or psychologist or *medical practitioner* may be admitted by the Court subject to the provisions of subsection (2) below.

(2) The Court shall not convict a person solely on evidence such as is referred to in subsection (1) above, unless such evidence is corroborated in a material particular by other independent evidence which may include evidence of an expert witness.

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(a) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016

(b) Medical practitioner wherever it appears in subsection 17(1) added by Ordinance 21/2006 – came into force on 08 December 2006

### **Prevention of intimidation during trial**

**18.**—(1) During the trial of a case of an act of violence the Court –

- (a) may order that the whole or part of the case be tried only in the presence of the accused and the victim and their legal representatives; and
- (b) may order that the evidence of the victim of an act of violence or of any other witness be given in the absence of the accused where the Court is satisfied on reasonable grounds that this is necessary for the personal safety of the victim or witness or to ensure that evidence is given freely without fear, intimidation or threat: in such a case the Court shall give such directions and make such arrangements as are appropriate in order that the accused is made aware of the evidence given in his absence and that the person giving such evidence may be cross-examined.

(2) Without prejudice to the generality of subsection (1) above, the following measures may be taken for the purpose of protecting the victim and witnesses, that is to say –

- (a) putting up partitions; or
- (b) using close-circuit television; or
- (c) using other means or systems,

so that the witnesses and the accused are not visible to each other. In order to ensure that the rights of the accused are protected, the appropriate electronic or other equipment must be made available so that the accused is able to hear the proceedings and give instructions to his legal representative.

### **Control by the Court of cross-examination**

**19.** The Court may intervene in the cross-examination of a minor or other victim of violence and give directions for the purpose of avoiding his being intimidated by aggressive or intensive questioning and to prevent questions containing threats being put to him.

### **Competence and compellability of spouse**

**20.** Notwithstanding the provisions of section 14 of the Evidence Ordinance, the spouse of any person charged with an offence under this Ordinance shall be a competent witness if the spouse is the victim of the act of violence alleged, and shall be a competent and compellable witness if the victim is another family member.

## **PART 6**

### **Orders and treatment of accused**

#### **Order for removal of minor during and after the trial for his safety**

**21.** Without prejudice to the provisions of section 22, where the victim of an offence under this Ordinance is a minor, the Court may in the interest of the minor's safety, during or after the trial order his removal from the family residence to a place of safety or into the custody of the Chief Officer for such period as the Court shall deem necessary.

#### **Interim exclusion order of suspect or removal order of victim to a place of safety pending the trial**

**22.**—(1) Subject to the following provisions of this section, the Court may, upon the application of a family member, a police officer, a family counsellor or of any other person acting on their behalf, make an interim order excluding from the family residence a person suspected of committing an act of violence, or removing therefrom a minor alleged to have been

the victim of an act of violence to a place of safety or into the custody of the Chief Officer until such time as the suspect has been charged with and tried for the alleged act of violence or until a decision has been taken not to charge the suspect.

~~(2) An application for such an interim order shall be supported by an affidavit of the victim or, in the case of a minor, of any person who has direct knowledge of the facts, or by any other evidence of the commission of an act of violence. (a)~~

*(2) An application for such an interim order shall be supported by an affidavit of the victim or, in the case of a minor, of any person who has direct knowledge of the facts, or by any other evidence which shows there is a prima facie risk of any act of violence occurring or being repeated.*

(3) Except as provided by subsection (5) below, an interim exclusion order under subsection (1) above shall be for an initial period of eight days from the date of service on the suspect and before the expiration of that period the Court shall sit and consider whether to discharge or extend the order after hearing representations from the suspect and other interested parties.

(4) The Court may extend such an order for further periods not exceeding eight days each, provided that the aggregate of the periods of the interim exclusion order shall not exceed 28 days, except where subsection (5) below applies.

(5) Where a person has been charged with an offence under this Ordinance, the Court may make or, as the case may be, extend an interim exclusion order under this section until the accused has been convicted of the offence or has been discharged.

*(6) An interim order excluding a person from the family residence shall not be made where that residence was provided or arranged for the benefit of that person in the course of his employment or service with any Force of the United Kingdom or any civilian component unless the authority providing or arranging that accommodation consents to the making of such order.*  
**(b)**

## **Exclusion orders**

**23.—**(1) Where the Court is satisfied, in relation to a family member charged with an offence under this Ordinance, that –

- (a) he has a record or history of repeated acts of violence against other family members or has been convicted of similar offences on two occasions within the previous two years; or
- (b) the act of violence by him has caused such bodily or mental harm that it endangers the life or mental health of the victim; or
- (c) he refuses to consent to undergo therapeutic treatment for self-control such as is referred to in section 25,

the Court may make an exclusion order excluding the person charged from the family residence for such period and under such conditions as the Court may deem fit.

(2) When making an exclusion order the Court shall fix a date for hearing representations from the person charged and from any other interested party, whereupon the Court may extend or modify the exclusion order as it deems fit.

(3) At any time while an exclusion order is in force, the person charged may apply to the Court for the revocation or modification of the order and after hearing representations from the person charged and from any other interested party the Court may make such Order as it deems fit.

(4) Subject to the provisions of subsection (5) below, an exclusion order may be made in lieu of or in addition to any other penalty that the Court has power to impose under this or any other Ordinance.

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(a) Subsection (2) repealed and replaced by Ordinance 21/2006 – came into force on 08 December 2006

(b) Subsection (6) inserted by Ordinance 21/2006 – came into force on 08 December 2006

(5) The Court shall not make an exclusion order if it imposes a prison sentence on the person concerned for a period exceeding six months. Where the sentence is for six months or less, an exclusion order may be made, but its commencement shall only be effective upon the release from prison of the convicted person.

(6) Any person who contravenes any condition of an exclusion order made against him shall be guilty of an offence and liable to imprisonment not exceeding two years.

(7) The provisions of section 15(3) with regard to speedy trials shall apply in relation to an offence under this section.

(8) *An exclusion order excluding a person from the family residence shall not be made where that residence was provided or arranged for the benefit of that person in the course of his employment or service with any Force of the United Kingdom or any civilian component unless the authority providing or arranging that accommodation consents to the making of such order.*(a)

### **Supplementary provisions with regard to exclusion orders**

**24.**—(1) When considering whether or not to make an exclusion order, the Court shall have regard to the respective needs for accommodation of the person charged and the other family members and unless it otherwise directs, the following provisions shall apply –

- (a) where the person charged owns less than a half share in the family residence, the question of his accommodation and that of the other family members shall be referred by the Court to a family counsellor for consideration and report;
- (b) where the offender owns more than a half share in the family residence, the Court itself shall consider the matter,

and shall give such directions as it deems fit regarding the respective accommodation of all the family members involved including the person charged.

(2) When making directions under paragraph (b) of subsection (1) above, the Court shall, amongst other considerations, take into account the respective financial means of the person charged and of the other family members and shall have power on an application by the person charged to direct that the family residence of the other family members be changed to suitable alternative accommodation if the applicant satisfies the Court that he is able to and will provide such accommodation.

(3) For the purposes of this section “suitable alternative accommodation” means accommodation which the offender is liable to acquire for the other family members in support of an application under subsection (2) above, at such location and of such standard as to ensure as far as possible the continuity of normal family life.

### **Probation or suspended sentence of imprisonment on specific conditions**

**25.**—(1) Where an offender consents to undergo treatment for self-control and to comply with such other conditions as may be deemed necessary to prevent the commission by him of any further acts of violence, the Court may, instead of imposing a sentence of imprisonment, place him on probation in accordance with the Probation of Offenders Ordinance (b).

(2) Where an offender consents to undergo treatment for self-control and to comply with such other conditions as may be deemed necessary to prevent the commission by him of further acts of violence, the Court may, instead of imposing a sentence of immediate imprisonment upon him, suspend such sentence under the provisions of the Suspended Sentences of Imprisonment Ordinance (c).

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(a) Subsection (8) inserted by Ordinance 21/2006 – came into force on 08 December 2006

(b) CAP.162 (Laws of Cyprus) repealed by Ordinance 14/2006

(c) Ordinance 2/1976

## PART 7

### Intimidation and Disclosure

#### Offence of harassing or intimidating victim, witness or relative so as to interfere with investigating or trial or to cause anxiety

26. Any person who is accused of an act of violence and who harasses or intimidates the victim or any witness of the alleged act of violence or any relative of either such a victim or witness, in a manner which interferes or is likely to interfere with the investigation or trial of the alleged offence, or who causes anxiety to any victim of violence or any witness thereof knowing that such person is such a victim or witness, shall be guilty of an offence and shall be liable to imprisonment not exceeding three years or to a fine not exceeding one thousand five hundred pounds or to both such penalties, and if the harassment or intimidation is carried out against a victim who is staying at any place intended to afford him safety, the offence shall be punishable with imprisonment not exceeding five years or a fine not exceeding three thousand pounds or to both such penalties.

#### Application of provisions of section 15(3)

27. The provisions of section 15(3) with regard to speedy trials shall apply in relation to an offence under section 26.

#### Prohibition on revealing identity of victim, complainant or accused

28.—(1) Where a complaint of an offence under this Ordinance is made, the name and address of the victim, the complainant or the person against whom the complaint is made and any other particulars which may identify them shall not be published or otherwise revealed.

(2) Any person contravening the provisions of subsection (1) above shall be guilty of an offence and liable to imprisonment not exceeding two years or to a fine not exceeding two thousand pounds or to both such penalties.

#### Prohibition on giving, receiving or publishing copies of evidence to or by third person

~~29.—(1) Except as provided in paragraphs (d) and (e) of section 11 the furnishing, receiving or publishing of any evidence of a victim of an act of violence or a witness thereof, to or by any person not connected with the investigation, prosecution or trial of the said act, is hereby prohibited. (a)~~

*29.—(1) Notwithstanding the provisions of any other Ordinance but subject to subsection (1A) below, the furnishing, receiving or publishing of any evidence of a victim or witness of an act of violence, to or by any person not connected with the investigation, prosecution or trial of the said act is prohibited.*

*(1A) Any—*

- (a) person who gives a visually recorded statement in accordance with section 10; or*
- (b) any accused who faces an offence in relation to which visually recorded evidence taken in accordance with section 10 is to be adduced at his trial, may by written application to the prosecutor, request a copy of the transcribed audio part of the recording of that statement and may, after making a written application to the prosecutor for that purpose, view the contents of the visual recording. (b)*

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(a) Subsection 29(1) repealed and replaced by Ordinance 21/2006 – came into force on 08 December 2006

(b) Subsection (2A) inserted by Ordinance 21/2006 – came into force on 08 December 2006

(2) Any person contravening the provisions of subsection (1) above shall be guilty of an offence and liable to imprisonment not exceeding five years or to a fine not exceeding three thousand pounds or to both such penalties.

***Offence of failing to report act of violence (a)***

**29A.** Any person with knowledge of any act of violence committed against a minor or person suffering from a serious mental disorder who fails to make a complaint to a police station regarding such act commits an offence and shall be liable, on conviction, to imprisonment for a term not exceeding 2 years or to a fine not exceeding £1000 or to both such penalties.

## PART 8

### Miscellaneous provision

**~~Ordinance not to apply to members of UK Forces, civilian components or their dependents(b)~~**

~~**30.** This Ordinance shall not affect or apply to any act, conduct or omission of or by any member of any Force of the United Kingdom, or any member of a civilian component of such a Force or any dependent of any member of such a Force or civilian component as those terms are defined by paragraph 1(a)(i), (b) and (d) respectively of Section 1 of Annex C to the Treaty of Establishment.~~

***Exemption for members of UK Forces, civilian components and their dependents from sections 7 and 8***

**30.** Sections 7 and 8 shall not affect or apply to any act, conduct or omission of or by any member of any Force of the United Kingdom, or any member of a civilian component of such a Force or any dependent of any member of such a Force or civilian component as those terms are defined by paragraph 1(a)(i), (b) and (d) respectively of section 1 of Annex C to the Treaty of Establishment.

### Regulations

**31.—(1)** The Administrator may make such regulations or *Rules of Court* (c) as he deems appropriate for the better application of the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1) above, any regulations or *Rules of Court* (d) made under this Ordinance may make different provisions for different cases or classes of case and may contain such incidental, supplementary or transitional provisions as appear to the Administrator to be necessary or expedient for the purpose of this Ordinance or any regulations made under it.

(3) Any *Rules of Court* made in accordance with subsection (1) shall be made with the advice and assistance of the Senior Judge. (e)

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- (a) Section 29A inserted by Ordinance 21/2006 – came into force on 08 December 2006  
(b) Section 30 repealed and replaced by Ordinance 21/2006 – came into force on 08 December 2006  
(c) Text inserted by Ordinance 21/2006 – came into force on 08 December 2006  
(d) Text inserted by Ordinance 21/2006 – came into force on 08 December 2006  
(e) Subsection (3) inserted by Ordinance 21/2006 – came into force on 08 December 2006

## SCHEDULE

(Section 4)

### Increased Maximum Terms of Imprisonment for Aggravated Offences

	Offence	Increased Maximum Terms of Imprisonment
(a)	Indecent assault on females under section 151 of the Criminal Code	From two years to five years
(b)	Indecent assault on males under section 152 of the Criminal Code	From two years to five years
(c)	Defilement of girls between thirteen and seventeen years of age under section 154 of the Criminal Code	From three years to ten years
(d)	Sexual intercourse between males under section 171 of the Criminal Code	From three years to ten years
(e)	Buggery with violence under section 172 of the Criminal Code	From fourteen years to life imprisonment
(f)	Attempted buggery under section 173 of the Criminal Code	From seven years to ten years
(g)	Unlawful grievous harm under section 231 of the Criminal Code	From seven years to ten years
(h)	Unlawful wounding or administration of poison or other noxious thing under section 234 of the Criminal Code	From three years to five years
(i)	Assault under section 242 of the Criminal Code	From one year to two years