



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1280 of 26 February 2003
LEGISLATION

ORDINANCE 7 OF 2003

AN ORDINANCE
TO AMEND THE CRIMINAL CODE

T. W. RIMMER
ADMINISTRATOR

24 February 2003.

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 2003 and shall be read as one with the Criminal Code (hereinafter referred to as “the principal Ordinance”).

Short title.

Cap.154 (Laws of Cyprus) and Ordinances 11/63, 17/63, 10/66, 8/72, 1/73, 7/79, 8/82, 7/87, 24/89, 2/97, 1/2000, 19/2000, 15/2001.

2. The principal Ordinance shall be amended by inserting immediately after Section 63 the following new sections to be numbered sections 63A and 63B respectively-

Insertion of sections 63A and 63B into the principal Ordinance.

“Participation in criminal organization.

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.”.

3. For section 86 of the principal Ordinance there shall be substituted the following new section -

“Definitions.

86. In this Ordinance -

“double-edged knife” means any 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 a 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.”.

4. The principal Ordinance shall be amended by inserting immediately after section 86 the following new section to be numbered section 86A -

“Handcuffs.

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.”.

5. The principal Ordinance shall be amended by inserting immediately after section 105, the following new section to be numbered section 105A -

“Influencing competent authority.

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-

Substitution of section 86 of the principal Ordinance.

Insertion of section 86A into the principal Ordinance.

Insertion of section 105A into the principal Ordinance.

- (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.”

6. Section 153(2) of the principal Ordinance shall be amended as follows –

Amendment to section 153(2) of the principal Ordinance.

- (a) for the word “misdemeanour” there shall be substituted the word “felony”; and
- (b) for the word “three” there shall be substituted the word “fourteen”.

7. For section 154 of the principal Ordinance shall be substituted the following –

Substitution of section 154 of the principal Ordinance.

“Defilement of girls between thirteen and seventeen 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 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.”

Substitution of section 155 of the principal Ordinance.

8. For section 155 of the principal Ordinance there shall be substituted the following –

“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.”.

Amendment to section 156 of the principal Ordinance.

9. Section 156 of the principal Ordinance is hereby amended as follows –

- (a) for the words “Any Person” in subsection (1) there shall be substituted the words “Any man or woman”;
- (b) immediately after subsection (2) there shall be added the following new subsection to be numbered subsection (3) –

“(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.”.

Substitution of section 159 of the principal Ordinance.

10. For section 159 of the principal Ordinance there shall be substituted the following–

“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.”.

11.Section 164 of the principal Ordinance shall be amended as follows –

Amendment to section 164 of the principal Ordinance.

(a) for subsection (1) there shall be substituted the following –

“(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.”;

(b) in subsection (2) –

(i) after the word “woman” there shall be inserted the words “or a man”;

(ii) for the words “earnings of the prostitute” there shall be substituted the words “earnings from prostitution engaged in by that woman or man.”;

(c) after subsection (3) there shall be added the following new subsection which shall be numbered subsection (4)-

“(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.”.

12.Section 166 of the principal Ordinance shall be amended as follows –

Amendment to section 166 of the principal Ordinance.

(a) after the word “female” there shall be inserted the words “or”;

(b) after the words “of her” there shall be inserted the words “or of him”.

13.For section 171 of the principal Ordinance there shall be substituted the following –

Substitution of section 171 of the principal Ordinance.

“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.”.

14.Section 173 of the principal Ordinance shall be amended by repealing subsection (1) and the figure “(2)” immediately before the remaining words of the section.

Amendment to section 173 of the principal Ordinance.

Substitution of section 174 of the principal Ordinance.

15. For section 174 of the principal Ordinance there shall be substituted the following –

“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.”.

Repeal of section 174A of the principal Ordinance.

16. Section 174A of the principal Ordinance shall be repealed.

Substitution of section 176 of the principal Ordinance.

17. For section 176 of the principal Ordinance there shall be substituted the following –

“Indecency.

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

Amendment to section 179 of the principal Ordinance.

18. Section 179 of the principal Ordinance shall be amended by substituting for the words “marries in the Colony” the words “marries in the Areas or elsewhere”.

Amendment to section 305A of the principal Ordinance.

19. Section 305A of the principal Ordinance shall be amended as follows –

(a) immediately after subsection (2) there shall be inserted the following new subsections to be numbered subsections (2A), (2B), and (2C) respectively –

“(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 subsection 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.”.

Cap 114 (Laws of Cyprus) and Statute Law of Cyprus 28/1959.

20. For section 315 of the principal Ordinance there shall be substituted the following –

Substitution of section 315 of the principal Ordinance.

“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.”.

21. Section 316 of the principal Ordinance shall be amended by substituting for the word “fourteen” the word “seven”.

Amendment to section 316 of the principal Ordinance.

22. Section 317 of the principal Ordinance shall be amended as follows –

Amendment to section 317 of the principal Ordinance.

- (a) for paragraph (d) there shall be substituted the following paragraph –

“(d) any stack of corn, grain, hay, straw or of cultivated vegetable produce or of mineral or vegetable fuel;” and

- (b) for the word “fourteen” there shall be substituted the word “seven”.

23. Section 318 of the principal Ordinance shall be amended by substituting for the word “seven” the word “three”.

Amendment to section 318 of the principal Ordinance.

24. Section 319 of the principal Ordinance shall be amended by substituting for the word “fourteen” the word “seven”.

Amendment to section 319 of the principal Ordinance.

25. Section 320 of the principal Ordinance shall be amended by substituting for the word “seven” the word “three”.

Amendment to section 320 of the principal Ordinance.

26. Section 321 of the principal Ordinance shall be amended by substituting for the word “life” the words “fourteen years”.

Amendment to section 321 of the principal Ordinance.

27. Section 322 of the principal Ordinance shall be amended by substituting for the word “fourteen” the word “seven”.

Amendment to section 322 of the principal Ordinance.

Amendment to section 323 of the principal Ordinance.

28.Section 323 of the principal Ordinance shall be amended as follows -

- (a) for the word “seven” there shall be substituted the word “five”; and
- (b) for the words “two years” there shall be substituted the words “one year”.

Amendment to section 324 of the principal Ordinance.

29.Section 324 of the principal Ordinance shall be amended as follows –

- (a) in subsection (1) for the word “three” there shall be substituted the word “two”; and
- (b) in subsection (2) for the word “seven” there shall be substituted the word “three”.

Amendment to section 330 of the principal Ordinance.

30.Section 330 of the principal Ordinance shall be amended by substituting for the word “ten” the word “three”.

Commencement.

31.This Ordinance shall come into force on the day of its publication in the Gazette.

24th February 2003
(128/2/2)

J.C.A. JARVIS CBE,
Chief Officer.
