
CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE 2012

An Ordinance to amend the Criminal Procedure Ordinance.

G. E. STACEY
ADMINISTRATOR

5th July 2012.

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

1. Short title and commencement

- (1) This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance 2012.
- (2) This Ordinance comes into force on 1 September 2012 and applies to all prosecutions commenced on or after that date.

2. Amendments to the Criminal Procedure Ordinance

The Criminal Procedure Ordinance(a) is amended by inserting after section 80 the following new section—

“80A. Taking into account previous convictions in member States

- (1) The Court may take into account a conviction (a “relevant conviction”) against the accused (“A”) handed down against A by a court exercising criminal jurisdiction in a member State of the European Union in accordance with this section.
- (2) A relevant conviction may be taken into account by the Court in the same manner and to the same extent (including for the purposes of sentencing A) that the Court may take into account a previous conviction handed down by a Court in the Areas.
- (3) A relevant conviction may only be taken into account if—
 - (a) the act for which the sentence was imposed constitutes a criminal offence in the Areas;
 - (b) the conviction is final; and
 - (c) the information specified in subsection (4) is available to the Court.

- (4) The information specified in this subsection is—
- (a) the full name and surname of the person against whom the relevant conviction has been handed down;
 - (b) the date and place of birth of the person against whom the relevant conviction has been handed down;
 - (c) the date on which the relevant conviction was handed down;
 - (d) the name of the Court handing down the sentence;
 - (e) the member State in which the Court is situated;
 - (f) the date on which the conviction and sentence became final;
 - (g) information relating to the offence that resulted in the relevant conviction including—
 - (i) the date on which the offence was committed; and
 - (ii) the name or legal definition of the offence and a reference to the applicable legal provisions; and
 - (h) information relating to the content of the conviction and in particular—
 - (i) the sentence;
 - (ii) any supplementary sanctions, measures imposed for the protection of A or any member of the public; and
 - (iii) any subsequent judgments amending the execution of the sentence.
- (5) This section is without prejudice to the powers of a Court to take into account previous convictions handed down by a court exercising criminal jurisdiction outside the European Union.⁷⁷

Notes

- (a) Cap 155, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/12) provides for the interpretation of such legislation.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Criminal Procedure (Amendment) Ordinance 2012 (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 replicates the effect of the Republican Criminal Procedure (Amendment) Law 2011 (Law 111(I)/2012) (the “Republican Law”). The Republican Law in turn gives effect to the Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings.
3. The effect of the Ordinance is to amend the Criminal Procedure Ordinance by inserting a new section 80A. In general terms, section 80A provides that criminal convictions in EU member states may be taken into account by SBA Courts in the same manner as convictions in the SBA Courts. The amendment does not affect the existing powers of the Court to take account of convictions from jurisdictions outside the EU.

