

Ordinance 05 of 2023

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**CRIMINAL PROCEDURE (AMENDMENT)
ORDINANCE 2023**

An Ordinance to amend the Criminal Procedure Ordinance 2016.

Clare Elizabeth Simpson
**DEPUTY
ADMINISTRATOR**

10 November 2023

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

Short title and commencement

- 1.**—(1) This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance 2023.
(2) This Ordinance comes into force on 21 November 2023.

Amendment of the Criminal Procedure Ordinance 2016

- 2.** The Criminal Procedure Ordinance 2016(a) is amended in accordance with sections 3 to 5.

(a) Ordinance 09/2016 as amended by Ordinances 09/2019 and 34/2020.

Amendment of section 46 (disposal of seized items)

3.—(1) In section 46(4), for “defaced or destroyed” substitute “defaced, destroyed, or, on the application of the Attorney General and Legal Adviser, delivered to a police officer of the Republic or dealt with in any other way sought in the application,”.

(2) In section 46(5), after “no longer required for any criminal proceedings” insert “within the Areas”.

(3) After section 46(5), insert—

“(5A) But, in a case where the Judge thinks that an item to which this section applies is no longer required for any criminal proceedings within the Areas, the Judge may make an order within subsection (5B) on the application of the Attorney General and Legal Adviser, provided that the Judge is satisfied that it would be in the public interest to do so.

(5B) The orders in this subsection are that the item, or any part of the item, be—

- (a) confiscated;
- (b) defaced;
- (c) destroyed;
- (d) delivered to a police officer of the Republic;
- (e) dealt with in any other way sought in the application (as specified in the order).”

Amendment of section 85 (hearing of case)

4.—(1) For section 85(4)(b) substitute—

“(b) inform the defendant that the defendant may give evidence in the witness box after being sworn as a witness, in which case the defendant is liable to be cross-examined as a witness.”.

(2) In section 85(5)—

- (a) after “if the defendant” omit “wishes to make a statement or”;
- (b) for “give evidence” substitute “gives evidence”.

Amendment of section 87 (cross-examination of defendant by co-defendant)

5. In section 87, for “section 85(4)(b)(ii)” substitute “section 85(4)(b)”.

Transitional provision

6. The amendments made by sections 4 and 5 do not apply in respect of a trial that has already commenced at the time this Ordinance comes into force.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Criminal Procedure (Amendment) Ordinance 2023 (“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. Section 3 of the Ordinance amends section 46 of the Criminal Procedure Ordinance 2016 (disposal of seized items) by inserting additional powers for a Judge to dispose of seized items.

3. Section 4 of the Ordinance amends section 85 of the Criminal Procedure Ordinance 2016 (hearing of case) by removing the ability for a defendant to make an unsworn statement, replicating Law 64(I)/2022 of the Republic of Cyprus; section 5 makes a consequential amendment and section 6 makes transitional provision.

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